

A CAMPAIGN STUDY OF THE  
RHETORIC OF THE 1970 "LIQUOR  
BY THE DRINK AMENDMENT" IN KANSAS

by

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## CHAPTER I

### INTRODUCTION

With the fall of national prohibition in 1933, most of the South and much of the West turned to state legislation for prohibition control. By 1966 only eleven of these states still maintained bans on liquor by the drink. With the adoption of the "Liquor by the Drink Amendment" to its state constitution in November of 1970, Texas, the most recent state to lift that ban, narrowed the number of states still prohibiting on-the-premise sale of alcoholic beverages to five.<sup>1</sup> One of the states that finds itself in that position is Kansas. Like Texas, Kansas also made an effort in the 1970 elections to pass a liquor by the drink amendment, but unlike Texas, that amendment met with defeat. A brief look at the history of prohibition in Kansas reveals that since the adoption of prohibition to the state constitution in 1880 there has been a continuous struggle on the part of the people of Kansas to maintain some degree of control through legislation on the liquor traffic in the state. And yet other states, just as deeply steeped in tradition as Kansas, have foregone that tradition in favor of lifting the ban on the sale of liquor by the drink. The question that this study will consider is: "What rhetorical appeals were there during the 1970 campaign which allowed Kansas to maintain her tradition by voting down the recent 'Liquor by the Drink Amendment'?"

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<sup>1</sup>"Texans Take a Shot at State Bar Ban," Business Week, November 14, 1970, p. 28.



### Previous Research

A review of recent studies in the area of state prohibition shows that even though there has been some research dealing with this topic as related to other states, the most recent studies concerning the state of Kansas are a Ph.D. dissertation written in 1944 dealing with the legislation prior to prohibition, and a 1948 Master's thesis covering the prohibition legislation up to and including the resubmission struggle of 1948. Both of these studies were done at the University of Kansas. Even published material on the more recent aspect of this topic is difficult to find. The most recent book to be found at the University of Kansas is entitled The White Ribbon in the Sunflower State, written by Agnes D. Hayse and published by the Women's Christian Temperance Union in 1953. Because much of the history of Kansas is deeply centered around the legislation of prohibition, it would seem relevant not only to bring the history up to date, but also to study the role which that legislation and its rhetorical appeal play in the present historical spectrum.

### Purpose

The purpose of this thesis will be two-fold. First, to examine the nature of the rhetoric of the 1970 Liquor by the Drink campaign with some comment upon the role that rhetoric played in the outcome of the campaign. At the same time, this study is intended to bridge the gap from 1948 to 1970, bringing the history of prohibition in Kansas up to date.

### Methodology of Study

After gathering material on the campaign surrounding "Liquor by the Drink" and visiting with a number of resource persons who were directly involved in this campaign, the approach chosen for this study was the format of the debate brief. I chose this format in light of the theory that, "A collection of evidence and argument is of little value until it is prepared in a definite pattern and organized into a logical form."<sup>2</sup> The best example of this form is the debate brief.

The purpose in choosing this particular mode of presentation is of a two-fold nature: (1) The evidence and arguments researched and evolving around the campaign readily blend into the debate format, and (2) since the major purpose of this paper is to speak to both sides of the question, this seems to be a proper format for presenting an unbiased study.

### Design of Study

In his book, Argumentation and Debate, Freeley suggests that there exist three types of briefs: (1) The traditional brief, consisting of all the evidence and arguments to advance one side of a proposition; (2) The full brief which contains both the affirmative and the negative arguments of the question; and (3) The flexible brief whereby the advocate seeks to consider all possible positions which may be taken by either side in a debate.<sup>3</sup> Since a part of the purpose of this methodology

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<sup>2</sup>Austin J. Freeley, Argumentation and Debate, Wadsworth Publishing Company, Belmont, California, 1961, p. 151.

<sup>3</sup>Ibid., pp. 152-156.

is to present both sides of the question in as much as possible an unbiased fashion, the full debate brief presents the organization of the paper developed in narrative style.

Regardless of the type of brief used, any brief can be divided into three distinct parts: (1) The introduction, which consists of the statement of the proposition, definition of terms, and a relevancy and history of the subject; (2) The body of the brief is made up of the major issues or areas of disagreement in the debate. Those issues need to be supported by examples, statistics, authoritative evidence and reasoning or logic. It is also in the body of the brief that any refutation or direct clash with opposing views should be presented; and (3) The conclusion, which basically serves as a summarization of the arguments presented.

Following this format with Chapter I serving as an introduction to the study, Chapter II will deal more specifically with an introduction of the topic to be considered. This will include such items as the definition of terms used in the title; the formulation of a definite debate resolution; a brief history of the prohibition movement in Kansas with emphasis on the highlights pertaining to liquor legislation; and a more detailed history of the 1970 campaign, discussing the areas of legislation, pressure groups, arguments employed, and the methods used in carrying these arguments to the voter.

From the issues presented in Chapter II, what might be considered the five major arguments for both sides with their counter arguments will be discussed in detail in Chapter III.

The final chapter, Chapter IV, will serve as both a conclusion to

the brief and a conclusion to the study as a whole. Included in this chapter will be the results of the 1970 campaign and the reaction of those involved to the results. Also an attempt will be made to draw some parallels between the 1970 campaign as compared to past legislation in the realm of liquor control. Next the outcome of the election will be considered in terms of the organizations involved, strategies used, and the final analysis with some general remarks and criticisms pertinent to each. The study will close with a look into what the future promises for liquor legislation in Kansas, and with a few remarks concerning the study in general along with a brief conclusion dealing with the role played by the rhetoric of the campaign.

#### Source Materials

The source material for this study can be divided into two separate areas. The first of these, secondary sources, consists of material necessary for the methodology of the study and those sources dealing with the history of prohibition in Kansas. The second type of source material is that primarily concerned with the campaign itself.

#### Related Literature

In searching for information on this topic, a review of related literature on the subject was conducted to discover what had already been accomplished in this area. A scanning of the Speech Monographs for the past ten years failed to uncover any study in the area of speech even remotely related to this topic. Next, a scanning was made of the

Dissertation Abstracts in search for studies dealing with the subject of prohibition in Kansas. Although there are listed a number of dissertations dealing with the study of recent prohibition in other states, there is no current study on this topic in Kansas.

Therefore, three areas: (1) studies dealing with campaign rhetoric, (2) books dealing with the history of the subject, and (3) miscellaneous sources composed the area of secondary sources of related literature that I used.

#### Studies in Campaign Rhetoric

Three studies proved helpful in dealing with campaign rhetoric. They were a paper by Wayne E. Brockriede, entitled "The Study of How Interpersonal Relationships and Attitudes Are Influenced Within a Situational Context," and two studies by David L. Swanson in the area of campaign rhetoric. The first of the Swanson studies was a 1968 M.A. thesis at the University of Kansas, which presented an "Analysis of the Rhetorical Design of George C. Wallace's 1968 Presidential Campaign" and a second paper by Swanson entitled, "The New Politics Meets the Old Rhetoric: New Directions in Campaign Communication Research."

Since a pertinent part of this study concerns the history of prohibition legislation in Kansas, another secondary source used was books dealing with that history. The most complete source in providing a history of liquor legislation in Kansas up to and including the resubmission struggle of 1948 was a thesis written by Marko L. Haggard at the University of Kansas in 1948, entitled "Prohibition, a Political

Factor." Another helpful source used by Haggard was a 1931 dissertation, "The Liquor Question in Kansas before Prohibition," available at the University of Kansas, and written by Otto Froyen Fredrickson. Other sources relating the history of liquor legislation included: Collections of the Kansas State Historical Society, This Place Called Kansas, by Charles Howe, and The White Ribbon in the Sunflower State written by Agnes Hayse.

#### Other Sources

Two books, Argumentation and Debate by Austin J. Freeley, and Decision by Debate by Douglas Ehninger and Wayne Brockriede were used for the debate format; and an article in November 14, 1970, Business Week, "Texans Take a Shot at State Bar Ban," dealing with a similar liquor by the drink campaign in Texas completed the area of miscellaneous secondary sources referred to in the study.

#### Primary Sources

The following categories: (1) interviews, (2) tape recordings, (3) publications, (4) pamphlets, and (5) miscellaneous sources compose the primary sources for material pertaining directly to the 1970 campaign. Because there is no written record of much of the debate pertaining to the rhetoric used in getting the amendment past the legislature, interviews were especially helpful in obtaining a proper perspective of this phase of the campaign. By interviewing a wet who voted wet because of the constitutionality of the question, not because

he was a wet; a dry who voted dry not from religious convictions but because he felt an economic loss would accrue if the amendment passed; a wet who voted dry because of his constituency; a dry who voted dry by tradition; and a wet who voted wet by conviction, I discovered how varied and how unpredictable the vote became.

Just as important as the people involved in bringing the amendment to a vote were those persons representing the two main factions of the campaign. These persons were interviewed in an attempt to gain a greater insight into the strategies employed by both the wets and the dries in the campaign. An interview with Hank Parkinson of the firm, Parkinson and Associates, which handled the publicity for the wets, provided information on the main strategy of that group. Interviews conducted with two representatives of the dry faction gave a more basic understanding of the campaign as a whole. The first of these interviews was with Richard Taylor, the present Superintendent of the United Dry Forces and an active campaigner against the amendment. The second interview was with Charles Wright, Publications Director for the United Dry Forces.

Finally, a series of interviews were conducted attempting to find persons representative of the two main pressure groups in the campaign. The motel and the restaurant associations would probably be considered the main pressure groups for the wets. In searching for a representative attitude of these groups, August Dick, formerly on the board of directors of the Kansas Motel and Restaurant Association and Frank Haffer of the Regal Inn in Wichita were interviewed. From these interviews, it was concluded that neither interviewee could be termed

representative of the feelings of the motel and the restaurant owners as a whole. Therefore, many of the arguments for this faction came from other source material. The strongest pressure group for the drys was the organized churches of Kansas. The wide range of material gathered from Rev. Leroy Smoot, pastor of the Haysville United Methodist Church, typifies both the interest and the effort of the organized churches.

#### Tape Recordings

Tape recordings of debates held during the campaign proved beneficial in arriving at the main issues. One recording presented a television debate between Senator Norman Garr representing the wets, and Richard Taylor, representing the drys; a second recording was that of a debate held on the campus of Wichita State University between Richard Taylor and Hank Parkinson. These debates proved typical of the major arguments used by both sides throughout the campaign.

#### Publications

For the purpose of this study; the term, "publications," refers to those sources published regularly and not merely printed for this particular campaign. The latter sources will be considered later in the study under the heading of pamphlets.

One of the most helpful publications in dealing with the legislation of the amendment was the Senate and House Journal of the State of Kansas, which records all legislation pertaining to this amendment. Another valuable publication as a primary source was the Kansas Issue,



published bi-monthly by the United Dry Forces. One final source in this area, the daily newspaper, reflected somewhat the flavor of the campaign. Since these papers are documented according to dates within the study, only the names of the papers will be presented here. They are as follows: The Kansas City Star, Lawrence Journal World, Plainville Times, Rocky Mountain News, Wichita Eagle, and The Wichita Beacon, and the Topeka Capitol Journal.

#### Pamphlets

The remainder of the publications used were those written for this particular campaign. These fall into two groupings: those published by the Kansans for Modern Alcoholic Beverage Control\* and those published mainly by the United Dry Forces. One exception to this was the pamphlet, "Bars Are Bad for Business," written and published by William N. Plymat, Chairman of the Board of Preferred Risk Mutual Insurance Company of Des Moines, Iowa, and an active participant in the 1970 Campaign in Kansas. The drys referred to a number of Mr. Plymat's studies concerning liquor by the drink. He had prepared these studies for his home state of Iowa, and the drys in Kansas borrowed them to substantiate many of their arguments. All other pamphlets used in support of the dry cause were published by the United Dry Forces under the title of Kansans for No Saloons.

#### Miscellaneous

Those miscellaneous sources which do not fit the criteria of any

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\*Hereafter referred to as the KMAC.

of the four previous categories include: "Legislative Guidelines," published by the Kansas Council of Churches; "Study Document," compiled by the Alcohol Problems Committee of the Central Kansas Conference of the United Methodist Church; and various correspondence concerning the campaign.

The bibliography at the conclusion of this study lists both the primary and the secondary sources in bibliographic form.

#### Collecting Source Material

The problems in gathering source material for this study were few. Since the liquor question has played an important role in the history of Kansas, material dealing with that history was abundant. The interviews conducted to discover the more recent history of the 1970 Campaign found most persons, especially the legislators involved, cooperative and eager to assist. Because of the nature of the campaign, there was little difficulty in obtaining source material. However, the dries seemed more willing to share this material than did the wets. Thus, the major challenge of this study was in compiling the source material into readable form.

## CHAPTER II

### HISTORY - PAST AND PRESENT

In following the format of the brief as proposed in Chapter I, this second chapter will deal more specifically with an introduction to the subject matter of the study. This introduction will include the formation of a proposition to serve as a springboard into the study as a whole, next, a definition of terms, to help limit the scope of the study. And finally, since Chapter I established the relevancy of the subject, Chapter II will deal more specifically with that relevancy and will present the highlights of past liquor legislation in Kansas as well as an indepth study of its more recent development in the 1970 campaign.

#### Statement of Proposition

Before making a definite statement of a proposition, the problem area as a whole needs attention. The problem area discussed in this brief is the rhetoric of the 1970 Liquor by the Drink Campaign in Kansas. After a brief discussion of this topic area as a whole, this writer will attempt to formulate an exact proposition to serve as a guideline for Chapter III.

#### Definition of Terms

The definition of terms of any proposition evolving from this topic area can best be covered by defining certain terms in the topic

itself. First among the terms which need defining is the term "rhetoric"; such an ambiguous term perhaps merits defining by a combination of methods. For example, according to Webster's Seventh New Collegiate Dictionary, "rhetoric" is defined as "the art of speaking or writing effectively: a skill in the effective use of speech: verbal communication." Another definition in the Quarterly Journal of Speech claims "rhetoric" to be "The study of how interpersonal relationships and attitudes are influenced within a situational context in such diverse acts as a speaker's addressing an audience face to face or through mass media; a group of people conferring or conversing, a writer creating a drama, or an individual writing a letter to an editor or a government, or some other institution projecting an image."<sup>1</sup> For this particular study, the latter definition is probably best suited; for by explanation, the rhetorical devices used in this study are not merely those of the old idea that eloquent speeches alone constitute rhetoric. David Swanson points out such an example in his study of the role of rhetoric in politics when he states, "Finally the televised message of new style campaigns seem to deemphasize more traditional forms of appeal such as the broadcast of a candidate in favor of spot announcements or commercials."<sup>2</sup> Therefore, the rhetorical devices referred to in this study will not be confined to lengthy speeches alone but instead will include such material as written communications, including pamphlets and editorials; use of mass media,

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<sup>1</sup>Wayne E. Brockriede, "Dimensions of the Concept of Rhetoric," Quarterly Journal of Speech, LIV (February, 1968), p. 1.

<sup>2</sup>David L. Swanson, "The New Politics Meets the Old Rhetoric: Directions in Campaign Communication Research," Quarterly Journal of Speech (February, 1972), p. 33.

consisting of debates over radio, political advertising on television, bill boards and any other means used to influence the attitude of the voter.

As a unit, The 1970 Liquor by the Drink Campaign in Kansas makes up the remainder of the topic area to be defined. Perhaps the best method of defining this phrase would be by derivation since only in the light of the entire historical spectrum of the liquor question in Kansas can the campaign be understood. Since this will be covered later in this chapter, perhaps for now it would suffice to explain what the Liquor by the Drink Campaign involved. The Campaign arose out of a proposed amendment to Section 10, Article 15 of the state constitution of Kansas. This states that "The Legislature may provide for the prohibition of intoxicating liquors in certain areas; subject to the foregoing, the legislature may regulate, license and tax the manufacture and sale of intoxicating liquors and may regulate the possession and transportation of intoxicating liquors. The open saloon shall be and is hereby forever prohibited." The Liquor by the Drink Campaign attempted to amend this statute by striking out the last phrase, "The open saloon shall be and is hereby forever prohibited," and giving to the legislature the complete power to determine the future of liquor by the drink in Kansas.

Bearing these definitions in mind, what the actual campaign amounted to was this proposition, Resolved, that the phrase, "the open saloon shall be and is hereby forever prohibited," should be deleted from the constitution of the state of Kansas. This statement of the proposition not only serves as the crux of the campaign but also meets

all of the criteria of a valid debate proposition: (1) It is stated affirmatively; (2) It was at the time and, as pointed out later in this study, is still highly controversial; (3) It is debatable, having valid arguments supporting both sides; (4) That it is vital can be judged by the intensity of feelings on both sides; (5) It involves only one central idea even though there are a great many innuendos on both sides to be considered; (6) Although it contains no words of uncertain "denotative" meaning, there were probably a great many "connotative" meanings which clouded the issue; and (7) The affirmative side bears the burden of proof. Having established the proposition for study, the next area to explore is that of relevance and history of the subject.

#### Relevancy and History

Since the relevancy of the proposition is basically the same as that of the overall study presented in Chapter I, the main emphasis here will be centered around the history of liquor legislation in Kansas. As was pointed out in Chapter I, a part of the relevancy of this entire study is to update the question of liquor control in Kansas. In order to accomplish this task, it becomes necessary to look to the forerunners of liquor legislation in Kansas to provide for a proper perspective in considering the 1970 issue. Because it would be almost impossible to give a complete history of this subject, it will be the purpose of this portion of the study to mention just the highlights and portions of that history which parallel the topic to be discussed. The conclusion of this chapter will deal more specifically with the history of this particular topic.

## Early History

As one of the early territorial political leaders, John J. Ingalls, pointed out, "The public agitation of the drink question began with the organization of the territory in 1854."<sup>3</sup> One of the first attempts to legislate liquor took the format of the Dram-Shop law enacted by the territorial legislature in 1855 and had as its purpose "to restrain dram shops and taverns, and to regulate the sale of intoxicating liquors."<sup>4</sup> This served as the basic liquor legislation for the state until 1880 when constitutional prohibition was adopted. During this period the early stages of the dry movement were directed in the following order: (1) emphasis on moderation, (2) abstinence from ardent spirits, (3) total abstinence, (4) attempted reclamation of the drunkard through moral persuasion, (5) anti-license agitation, and (6) state prohibition.<sup>5</sup>

The first attempt to write prohibition into the constitution was in 1859 when the original constitution of Kansas was drawn up. However,

As against the dry's rhetoric, the saloon group, plus a large number of business men, particularly from the eastern end of the state, wielded their influence with the result that the controversial measure was finally shelved.<sup>6</sup>

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<sup>3</sup>Marko L. Haggard, "Prohibition, a Political Factor in Kansas" (thesis, University of Kansas, 1948), p. 13.

<sup>4</sup>Collections of the Kansas State Historical Society, ed. William E. Connelley (Topeka: Kansas State Printing Plant, 1923), .XV, p. 193.

<sup>5</sup>Haggard, p. 13.

<sup>6</sup>Ibid., p. 14.

Some of the organizations most effective during this period were the Independent Order of Good Templers, who were literally "hacking" away at saloons some fifty years before Carry Nation became the hatchet symbol of prohibition, the Sons of Temperance, and the Kansas State Temperance Society.

Probably the most influential agency in bringing about the organization and continued agitation for state temperance was the Protestant church. Among the early leaders were the Presbyterian, Congregational, and Friends churches. The single most active influence was the Methodist Episcopal Church.<sup>7</sup>

In 1880 a mistake in strategy caused the adoption of state prohibition in Kansas. Two years earlier, the Independent Order of Good Templers asked for the submission to the people a constitutional amendment forever prohibiting the manufacture and sale of intoxicating liquors, except for medicinal, scientific, and mechanical purposes. That this petition did not meet the dead end treatment which had been accorded its predecessors is part of a strange and interesting political tale. That story from an editorial in the September 21, 1930, edition of the Star tells how in reality the saloon interests forced the prohibition amendment to the constitution in Kansas long before the temperance leaders were asking for it. At this time the temperance forces dominated by Governor John P. St. John, who had not recommended prohibition in his message to the legislature, were asking only for a more stringent license law; whereas, the saloon interest were fighting it. For fear that the Dram-shop law would be amended, the pro-liquor

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<sup>7</sup>Otto Fredrickson, "The Liquor Question in Kansas Before Prohibition" (dissertation, University of Kansas, 1931), p. 212.



advocates changed their strategy and proposed a constitutional amendment rather than to accept the tightening of license laws demanded by St. John and his followers. The saloon interest worked under the assumption that first the resolution could not secure the necessary two-thirds majority in the House, and second that even if it was submitted to the people, the resolution would be defeated. With the opposition in the Senate withdrawn, the bill was sent on to the House where the drys immediately took up the challenge and succeeded in passing this bill with two votes to spare. Thus, prohibition, ironically enough, came to Kansas from the saloon element in the state.<sup>8</sup>

No one could have been more surprised by the turn of events than the drys. As a matter of fact, the reason they hadn't pushed for a constitutional amendment prior to this was that they didn't feel such an amendment had a chance of passing the legislature. However, these forces soon recovered from their shock and began preparing for the general election of 1880. This preparation saw the advent of two more ardent organizations dedicated to assuring a dry victory. These organizations were the W.C.T.U. (Women's Christian Temperance Union), through which the women--even though they did not have the right to vote as yet--wielded a tremendous influence on those who did vote. The other organization was the Kansas State Temperance Union, headed by none other than the governor, John P. St. John. Although several people objected to the head of state playing such a partisan role, the

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<sup>8</sup>Haggard, p. 20.

governor argued that "he only spoke of the evils of liquor on Sunday and surely the Sabbath could be given to the Lord's work."<sup>9</sup>

The campaign was a close one, but when the votes were counted, the amendment passed by a vote of 92,302 in favor of the amendment and 84,304 against. Thus, it was that Kansas became the first state in the Union to adopt a constitutional amendment for prohibition. This marked the first victory for legislated liquor control in the state of Kansas, and in November, 1880, the people of this state added the following amendment as a part of the state constitution: "The manufacture and sale of intoxicating liquor shall be forever prohibited in this state except for medicinal, scientific, and mechanical purposes."

With the adoption of state prohibition came a great many problems of enforcement, due largely to the ambiguity of the wording of the amendment; for example, what were intoxicating liquors? What constituted medicinal, scientific, and mechanical uses? As a result of this, from 1880 there was much activity on the part of the wets in support of resubmission. From 1880 to 1906, this resubmission continued as a part of the Democratic state platform, primarily because prohibition had always been considered a Republican issue, and state prohibition the foster child of the Republican governor, John P. St. John, and his Republican legislature. Then from 1906 to 1947 no party platform mentioned prohibition or repeal.

Any mention of legal control of alcohol in Kansas would not be

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<sup>9</sup>Ibid., p. 24.

complete without considering the illegal antics of Carry Nation. As stated in the preceding paragraph, much of the enforcement of the state's prohibition laws was lax, and near the turn of the century, Carry Nation literally decided to take matters into her own hands. Thus, with hatchet in hand and often composing a raiding party of one, she carried out attacks in such towns as Kiowa, Wichita, and Topeka. Her tactics not only brought state attention to the abuse in the enforcement of prohibition, but also made her famous nation wide as a symbol of the attitude of Kansas toward the liquor traffic. This agitation, instigated by Carry Nation and her somewhat unorthodox methods, did finally lead to the exertion of more and more pressure upon the legislature to remove legally some of the glaring inconsistencies between law and practice.

A part of this stricter enforcement came about in the form of the Bone-dry Law in 1917. This law was just what its name implies. It became illegal in Kansas to possess liquor for any use. At the time this was the most severe prohibition law enacted in the United States. However, this was not to remain the case for long, for shortly after this, national prohibition came into effect.

It is not the purpose of this study to go into the matter of national prohibition as there is already a vast amount of literature on this subject. Instead, national prohibition is mentioned merely to show the role which it played in the chronology of the history of prohibition in Kansas. Of the forty-five states ratifying the national amendment in 1918, only three--Rhode Island, Connecticut, and New Jersey--failed to join the rush toward ratification. Kansas, only one

of three states to have prohibition as late as 1907, added to her dry tradition by being one of six states to ratify the 18th Amendment without one dissenting vote. National prohibition was not scheduled to come into effect until January, 1920; however, in the meantime, a bill instituting prohibition for the duration of World War I was put into effect in July, 1919, and was still in effect when national prohibition became law. Therefore, from July, 1919, until November, 1933, the nation theoretically was dry.

At first the drying up of the border states helped Kansas in the control of the liquor traffic, but the federal government soon met with many of the same problems of control as encountered at the state level, and for Kansas, along with every other state in the nation, the lurid picture of bootlegging, gang wars and political graft grew rapidly. Thus, the nation as a whole was displeased with national prohibition. As proof of this, consider the rapid drive for repeal in 1933. Although it is extremely difficult to amend the Constitution of the United States, the 21st Amendment (the Amendment of Repeal) was first proposed in February, 1933, and by November, 1933, thirty-six states had adopted the measure, thus repealing the 18th Amendment. Among the dissenting states was Kansas, who refused to be a part of the movement for national repeal.

With the fall of national prohibition, discontent with state prohibition in Kansas came once again to the foreground. According to Haggard, other factors adding to this unrest were the agitation of the American Legion, the traditional wet opposition, the issue over 3.2

beer, and the public acceptance of the equity of a vote to test prohibition.

Here again the legislature seemed reluctant to take a stand on prohibition. Much of the dissatisfaction arose from the Bone-dry Law of 1917 enacted by statutory provision without popular referendum. Consequently, even though only a majority vote of each house was necessary to repeal the provision whereas a two-thirds majority was necessary for resubmission on a Constitutional provision, the legislature, remaining true to tradition, decided to shift the responsibility to the people.

Once again the drys began to form their battle line and leading these forces was a newly formed organization called the Kansas State Emergency Prohibition Committee, an outgrowth of the Kansas Anti-Saloon League, an active force in the days of national prohibition. This Anti-Saloon League had been involved in a scandal during the late 20's and had therefore disbanded. This organization also served as the predecessor of the present-day United Dry Forces. Others taking up the battle cry against repeal were the Women's Christian Temperance Union and perhaps the most important single member of the group, the Methodist Church.

Again the strategy of the campaign was an important factor in its outcome. At first it appeared that the passage of the referendum on repeal by Congress was a defeat for the drys. However, the Lawrence Journal World of May 2, 1934, offered another interpretation of the dry strategy in an editorial suggesting that the only reason the resubmission question got out of the House was because of the support

of many drys arguing that a vote for the retention of the amendment would strengthen state enforcement of dry laws.

Once the question was on the ballot, the drys based an important part of their campaign on the fact that the proposed legislative amendment made no mention of the status of "saloons." Therefore, the major battle of this particular campaign centered almost entirely on the question of whether or not there should be saloons in Kansas. Here again the drys seem to have chosen the right strategy, for the results of the 1934 campaign show Kansas remaining true to her dry tradition and defeating repeal by a vote of 436,688 to 347,644.<sup>10</sup>

The dry victory of 1934 was short lived as a new adversary in the form of 3.2 beer soon appeared on the horizon. Because of the technicality of what constituted intoxicating liquor and the lack of enforcement of existing laws, the dry forces began to pressure Congress to make a ruling concerning the matter. Attempts at liquor legislation in 1935-36 sessions found Congress completely deadlocked with the Senate favoring the more lenient 3.2 beer proposal, and the House pushing for a one-half of one per cent alcohol content placed on all beverages. Strangely enough the House proposal was in part sanctioned by the dry forces because of the realization that abuse of the present laws was running rampant and would soon destroy all hope of control. In 1937 the Senate once again passed the 3.2 beer proposal while the House passed a ban on all beverages containing

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<sup>10</sup>Charles Howe, This Place Called Kansas (Norman: University of Oklahoma Press, 1952), p. 175.

any alcohol, hoping to refer the proposal, as on previous occasions, to the people for settlement. Once again the legislature seemed to be at an impasse. However at the last minute, the House agreed to pass the Senate's 3.2 beer bill with the provision that in turn the Senate would pass a strict regulatory bill proposed by the House. Thus, the legislature reached a compromise on this issue. Perhaps typical of the attitude resulting in this compromise was that of Grant Waggoner of Cherokee when he stated, "Two more years of present conditions will cause a breakdown of all our prohibitionary laws. The safest thing to do in Kansas is to pass a 3.2 beer bill and regulate beer."<sup>11</sup> Thus, on March 26, 1937, the legislature of Kansas broke with a tradition of over fifty years and voted to legalize beverages containing by weight up to 3.2% alcohol.

The 1938-41 sessions of Congress, although heavily plagued with such legislation as repeal of the 3.2 beer bill, county options toward 3.2 beer sale, and the establishment of state liquor stores, saw very little action taken on liquor control with the exception of a law enacted by the 1939 legislature requiring a permit before importing liquor into Kansas.

With the advent of the war years, the W.C.T.U. and the United Dry Forces expended much effort petitioning the legislature once again to institute the one-half of one per cent law in Kansas. This was prompted in part by rampant abuse of even the 3.2% law in army camps throughout the state. Due to the preoccupation with the war

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<sup>11</sup>Haggard, p. 74.

effort and because they didn't want the liquor issue to predominate legislation, the 1942-43 legislatures were able to stall off any change in beer legislation.

However, some members of the 1945 legislature once again saw the call for repeal of state prohibition and proposed repeal legislation. Herman Cramer of Rush County instigated such legislation. In addition to repeal, Cramer's bill called for the establishment of state-owned and operated liquor stores, the profits to be used for benefits for returning veterans. The strategy behind the wording of the bill, "the sale of intoxicating liquors and veterans benefit amendment to the Constitution" is obvious. The ultra-drys in the House retaliated by introducing a bill to outlaw 3.2 beer in Kansas. As a result, by accident or by deliberate strategem, the 1945 legislature failed to pass either bill and closed its session with existing liquor laws unchanged.

With the up-coming elections of 1946, the liquor question, for the first time since the turn of the century, became a dominant issue in the political campaign. The Democratic party sparked by the Veteran's Democratic Club of Kansas, and the Association for Young Democrats ignited the fuse for repeal. The Republicans accepted the challenge by urging careful scrutiny of all candidates to make sure that only those candidates against resubmission would be elected in August.

One of the greatest blows to the drys in the struggle for resubmission was when the Republican Party, the primary champion of the dry forces, declared, as a part of its platform, to submit to the voters



of Kansas in the 1948 election, the amendment for approval or for rejection of prohibition. However, the Republicans had not entirely deserted the cause of prohibition, but by once again taking the question to the voters for their decision, showed the concern of the Party for the dry and wet Republican vote.

Since the liquor question was an important part of the political spectrum in this campaign, some discussion of the two major candidates for governor of Kansas is in order. The Democratic candidate was Harry Woodring, who almost entirely based his campaign upon the issue of repeal by proposing that the additional revenue from the sale of liquor be used for schools. Frank Carlson, the Republican candidate, based his campaign primarily upon the issue that the governor could in reality do nothing about liquor legislation, and that this issue was a matter for the legislature and the people of the state to solve; thus, Carlson favored resubmission. This proved to be a strong point for the Republicans since it doesn't take a great deal of training in either logic or politics for a voter to realize that before repeal must come resubmission.

Therefore, since neither of the major parties entirely supported prohibition, this election found a third party candidate, David C. White of Kingview running on the Prohibition ticket. Even though this party had been established in 1869, the Prohibitionist Party really played a minor role in the history of Kansas. Unlike the Anti-Saloon League and other prohibition advocates, this party served as a voice for conscientious protest, and, in fact, greatly criticized these other organizations for their compromise on liquor legislation.

To show the lack of influence which this party had in the 1946 election, voters who favored prohibition were urged not to throw away their votes on White, but instead to support the Republican candidate, Frank Carlson. This message came not only from such organizations as the United Drys and the W.C.T.U. but also from the pulpit as well. As a result, White received only 12,517 votes as compared to the 309,000 votes received by Carlson, the winner of the 1946 election.

Upon his election, Governor Carlson remained true to his campaign promise and called for immediate action on the question of resubmission. Thus the judiciary committee wrote an amendment which they felt would be the most acceptable and the least misleading to all concerned. Below is a copy of Section 10 of the first draft of that resolution:

Section 10. [The manufacture and sale of intoxicating liquors shall be forever prohibited in this state, except for medicinal, scientific, and mechanical purposes.]\* The open saloon shall be and is hereby forever prohibited. The legislature shall have the power and it shall be its duty to define the term, 'open saloon' and to enact laws against such. Subject to the foregoing, the legislature may regulate, license and tax the manufacture and sale of intoxicating liquors, and may provide for the prohibition of intoxicating liquors in certain areas.<sup>12</sup>

Despite the efforts of the committee, the wording of the amendment met with strong opposition from the dry forces. Most vociferous

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\*The bracketed part was that which was to be left out of the original amendment. Thus, the proposed amendment began with "The open saloon . . . ."

<sup>12</sup>Haggard, p. 197.

among these opponents was Alf Landon, former governor of Kansas, who was known to be both personally and politically dry. Ex-governor Landon claimed that the wording was misleading and expressed strong objection to the fact that the first words read by the voter were: "The open saloon shall be and is hereby forever prohibited." As a result, the committee revised the wording of the resolution to read as follows:

The legislature may provide for the prohibition of intoxicating liquors in certain areas. Subject to the foregoing, the legislature may regulate, license, and tax the manufacture and sale of intoxicating liquors. The open saloon shall be and is hereby forever prohibited.<sup>13</sup>

The major argument on the floor of the House was that some 359,000 Kansans had no opportunity to vote on the question of prohibition since they were not of age at the time of the resubmission. Representative J. P. Botts of Coldwater expressed the opposing opinion to ratification in the House. Botts declared that the Republicans were not bound to vote for resubmission just because Carlson had made resubmission a part of his platform. Botts then argued that neither Carlson nor anyone else could tell him how to vote on a moral question. Surprisingly enough the proposal for resubmission passed the House by a narrow margin of three votes. The bill was then sent back to the Senate where it passed thirty-five to four. Thus began the final battle for repeal.

Among the ranks of the drys in addition to the United Dry Forces, W.C.T.U., and Prohibition Party were such organizations as The Farm

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<sup>13</sup>Ibid., p. 197.

Bureau, National Board of Temperance, American Businessmen's Research Foundation, Anti-Saloon League, and Kansas Christian Youth Council. Supporting repeal was a newly formed organization founded in Wichita called the Kansas Legal Control Council, joined by such groups as the Young Republicans, Kansas Junior Chamber of Commerce, Kansas Hotel Men's Association, Kansas Brewers' Foundation and the Licensed Beverages Industries. This showed a marked change from the past when the anti-prohibitionist suffered from lack of organization because their stand was so unpopular that no group would dare take a public stand against prohibition.

Many of the major issues used by both sides were the same as those used in the 1970 campaign and will be discussed more thoroughly later in this study. However, a sampling of those arguments for the dries would include: increased consumption, a moral obligation to protect the individual, the family and the home; economic waste through absenteeism from the job, increased highway fatalities, and general destruction of the "good life." The wets used the issues of increased tax revenue, thereby providing relief for the taxpayer; better control of liquor traffic, for with hard beverages legalized there would be less bootlegging; making the issue one of moral choice instead of political choice by leaving the decision of whether to drink or not up to the individual; and by a comparison of Kansas' liquor laws with those of other states. Both sides used the radio, pamphlets, newspapers, and public speaking, which at this time was still a popular rhetorical device, to carry the issues to the voter.

Interesting to consider are some of the reasons given Gallup pollsters by both persons wanting to keep Kansas legally dry and those favoring repeal. Haggard records the results of these polls. Those in favor of retaining prohibition argued:

1. It is best to make liquor hard to get. It helps in keeping liquor away from young people.
2. Prohibition keeps people away from the evils of drinking. Prohibition keeps down the accident rate on the highways and the divorce rate at home.
3. Liquor lowers moral standards and is bad for the health.
4. Keeping Kansas dry is the only way to keep people from getting drunk and causing a lot of trouble.

Those favoring repeal argued:

1. People are going to drink anyway; let's make it legal.
2. It is the only way to get rid of the bootleggers.
3. It will keep liquor from getting in the hands of minors.
4. Since liquor is sold anyway, it had just as well be legalized to get the tax money out of it.

These replies show just how effective many of the arguments of wets and drys alike had been.

The Gallup poll also asked voters the question of open saloons in the following form: "If state prohibition in Kansas is ended, should liquor be sold by the drink in bars in counties and cities that vote in favor of this?" In reply to this question 59% answered "No"; 31.25% yes, and 10%, undecided with the "no" vote predominating in

the four categories questioned according to sex, age, residence, and politics.<sup>14</sup>

In November, 1948, the voter once again settled the question at the polls for what many people thought to be the last time. Even though only 45 out of 105 counties voted "wet," the overall vote was 422,294 to 358,310 in favor of the new amendment.<sup>15</sup> This brought to an end an era of sixty-eight years of prohibition for most of Kansas.<sup>16</sup>

#### Liquor by the Drink: A More Recent History

With the ending of the Prohibition Era, the history of the 1970 campaign actually had its beginning. What at first appeared to be a summit in the wets' drive to erase all signs of prohibition from the constitution turned out to be merely a plateau. With the repeal of prohibition in 1948, the legislature, looking forward to the day when, for the first time in its history, the liquor question would not dominate its agenda, set about tying up the loose ends dealing with repeal by passing legislation for the regulation and control of the liquor traffic. However, this optimism was short lived!

As previously mentioned in this chapter, much of the early history on record pertaining to liquor legislation parallels the problems

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<sup>14</sup>Ibid., pp. 164-165.

<sup>15</sup>Howe, p. 175.

<sup>16</sup>Eight counties remained dry after 1948 through the local option law: Comanche, Franklin, Haskell, Kiowa, Lyon, Meade, Stanton, and Woodson.

specified within this thesis. Since many of the same factors which highlighted the history of liquor by the drink legislation in the past will also highlight the history of tomorrow with regard to the liquor question of 1970, the remainder of this chapter will deal predominately with that history.

Just as the history of this question centers around legislation, pressure groups, arguments, and methods of carrying these arguments to the people, these same areas will bear emphasis in this study.

Consider first the legislative aspect of the question. The key issue here in the 1970 campaign was the proposed amendment to Section 10, Article 15 of the state constitution. The purpose of this amendment was to eliminate the last phrase, "The open saloon shall be and is hereby forever prohibited," from the original amendment. Even though the final question was not brought to a vote until 1970, its birth came about almost simultaneously with the death of state prohibition. As mentioned earlier, one of the tasks left to the legislature after repeal was the regulation and control of the liquor traffic. Supposedly the only qualification assigned to this task was that this legislation could not allow the "open saloon." At first this problem was solved by providing for private clubs; thus the legislature enacted a number of private club laws. However, this governing body soon discovered that the passing of a satisfactory private club law without loopholes was no easy chore. Proof of the difficulties encountered by the law makers are apparent in the 1965 law put into effect by them. This law divided clubs into

two categories: (a) non-profit clubs which included such organizations as the V.F.W., the Moose and the Elk clubs; and the (b) profit-making clubs; such clubs were under strict control by the state especially in such matters as membership fee, waiting period for membership, and hours of operation. The loophole appeared when the Internal Revenue Service granted many clubs across the state that were making profits the status of a non-profit organization thus qualifying them to operate under a class "A" license. Such action resulted in less control by the state, charges of discrimination by class "B" clubs and criticism by ardent drys, for with the large increase in the number of class "A" clubs came the opportunity for most Kansans to get liquor by the drink with a nominal membership fee and sometimes with only a short waiting period.

At the same time that the legislature was attempting to find a suitable private club law, there had been a constant push on behalf of the wets in the state to do away with the open saloon restriction completely. In nearly every legislative session since 1949, some form of amendment dealing with the open saloon was proposed; however, according to Senator Harold Herd of Coldwater none of these bills made it out of the committee; nevertheless the push intensified in 1964 and built to a crescendo in the 1969 session. For on February 6, Senators Bennett, Garr, Healy, Hinchey, Moore, Reilly, Robinson, Sarr, Shultz, Storey, West and Williams introduced Senate Concurrent Resolution No. 8 calling for amendment of Section 10, Article 15 of the state constitution by striking out the phrase, "The open saloon shall be and is hereby forever prohibited." The Judiciary Committee of the



Senate held hearings on this bill and then passed it by a near unanimous vote before sending it to the Senate as a whole for action by that body. On March 6, 1969, the Senate voted on the issue, and the bill passed 27-13, one more vote than the two-thirds majority necessary for its passage. Next the House of Representatives considered the bill, and along with it went another bill passed by the Senate in conjunction with SCR No. 8. This bill was Senate Concurrent Resolution No. 20 calling for a return to prohibition. The strategy of the wets in the Senate for this measure was twofold: (1) to appease the home folks by countering any criticism for voting in favor of relaxed legislation with the argument that they also voted for prohibition, and (2) to place the dries in the ridiculous position of having to vote down what they supported in theory and yet knew to be unrealistic in practice. The House sent these two bills to the Committee on Federal and State Affairs where the prohibition amendment was quickly put aside and hearings held on SCR No. 8. After obtaining a substantial number of votes in the committee, the bill, on March 13, was brought to the floor of the House for consideration. Perhaps Representative Bob Brown, prior to taking of the final vote, expressed the typical feelings of a majority of the members of the House:

Mr. Chairman and Members of the House: I would like to make this statement on SCR 8.

You were elected by a majority and have a moral obligation to them. If you believe that the public is not capable of deciding a simple question like the one before us today, by comparison we could find ourselves being persuaded that the public is not capable of deciding by vote who is capable of

representing them. The time and effort spent on this issue is all charged to the taxpayers who are the ones who should decide this question.

The premise upon which our government was started for the people made no exceptions as to whether or not they were "fit to decide." Every issue was deemed accessible to the will of the majority. We here today are not being asked whether liquor by the drink should or should not be. We are being asked to let the majority rule. The same majority that put every one of you in the seats you occupy today. The group who seek to keep the people from expressing their view do not believe in this process. They would like to force their convictions throughout the state.

Ladies and gentlemen, if this issue is not allowed to come before the people this year, we know full well what to expect. The same time-consuming issue will take place next year. Would anyone care to estimate how much time has been consumed year after year trying to prevent adult Kansas voters from expressing their opinions at the polls? Figure the loss of legislative time, transfer that into money and we could support several TV and radio programs to present this challenge of their intelligence to the people of Kansas. Let us pass this resolution so we can go to work on the truly urgent questions before us now. Taxes and education.<sup>17</sup>

On the following day, March 14, the House took the final vote and passed the bill with 84 voting aye, giving two more than the required two-thirds majority.

Even though there is no written record of the debate carried on in the legislature on this amendment, some idea of the general nature of the argument can be realized from the following explanation of votes, appearing in the Senate and House Journal:

Mr. Speaker: There have been many reasons set forth to support SCR 8 but not a single advocate of liquor by the drink has claimed that alcohol is helpful to either the physical or moral well-being of the citizens of Kansas.

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<sup>17</sup> Senate and House Journal of the State of Kansas, 1969 ed., p. 378.

"Our present liquor laws have operated in a tolerant manner, why should we attempt to open wide the gates for further temptation of expanding something that will return no benefit either physically or morally? I vote No."

--Jess Taylor

"Mr. President: I desire to explain my vote on SCR 8. Let the people speak! I vote Aye."

--Jack Steineger

". . . I favor letting the people vote so that this issue may be laid to rest one way or the other, and we can go about the many important problems facing this state."

--Calvin A. Strowig

". . . The Bill of Rights is nearly 200 years old. Slowly but surely we are losing our freedom, bit by bit by government control.

"I am deeply convinced that the right to vote is vital to the preservation of democracy. It would be presumptuous for me to substitute my judgment for that of the people.

"My people have a right to vote their convictions. I vote Yes."

--James L. Ungerer

"We legislators are not being called upon to decide whether alcoholic beverages are good or bad. Nor in fact is the legislature called upon to decide whether liquor should be available by the bottle or by the drink. These are decisions only the voters of Kansas can make because the question is constitutional."

--David Mills

". . . If people are going to spend money for liquor, I feel our state can use the revenue that is badly needed.

"I do feel that a better job of policing liquor sales can be had if it is legally sold rather than by our present hypocritical method."

--Ambrose L. Dempsey

"Mr. Speaker: I vote yes for decency."

--Richard C. Loux

"Mr. Speaker: Back in the days of the open saloon when the old boy had one too many they would place him in his buggy and start him home. The old horse would turn out to miss any on-coming buggy and eventually take his master safely home.

"Unfortunately our automobiles today do not have this horse sense; therefore, I vote No."

--George L. White

". . . During the past weeks I have received over 200 letters from constituents in my district and only six have asked me to vote for the return of the open saloon. In an effort to represent the sentiment in my district and to stand for my own principles, I vote No."

--LaVerne H. Spears

For these and other reasons, the legislature saw fit to pass the motion on to the people to decide in the form of a constitutional amendment. At this time full debate on the question was in order; the remainder of this chapter will deal with the two sides carrying on this debate, the arguments used and the rhetorical devices involved.

#### WETS AND DRYs

At the onset of any discussion concerning the division of wets and drys, it would seem necessary to make some statement qualifying these two terms. In fairness to both sides, what here appears to be a simple dichotomy bears explaining. On the one hand were those who favored passage of the amendment and yet opposed the consumption of alcohol, and at the same time, many persons drink wet and yet vote dry. Therefore, for the purpose of this study, let it suffice that when a person or an organization aligns with either the wet or the dry cause, this merely denotes his position on this particular piece

of legislation and says nothing about the realm of his personal beliefs. Bearing this qualification in mind, at this time, a consideration of the supporters for each side is inherent.

An organization calling itself the Kansans for Modern Alcoholic Beverage Control took the helm in support of the Amendment. This group, similar in make up and purpose to the Kansans for Legal Control Council in the 1948 elections, consisted of "automobile dealers, hotel, motel and restaurant operators, bowling proprietors, savings and loan presidents, lawyers, accountants, doctors and other people interested in updating the state of Kansas."<sup>18</sup> This organization had as its chairman, Mike Getto, manager of the Hotel Eldridge in Lawrence and as its governing body, a board of fifteen district chairmen across the state along with eight other interested persons, "representatives of the liquor distributor industry, the beer industry, the legal profession and other enlightened people."<sup>19</sup> Hank Parkinson of the firm, Parkinson and Associates, was hired as public relations manager in the campaign and also served as lobbyist for the group in Topeka. Although the Kansans for Modern Alcoholic Beverage Control was the primary organized wet advocate, other organizations supporting their cause, or for reasons of their own taking a stand in favor of the amendment, included the Hotel and Motel Association; the Kansas Junior Chamber of Commerce; the Kansas State Chamber of Commerce plus Chambers in Topeka, Lawrence, Junction City, Overland Park, Greater

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<sup>18</sup>"Why a Referendum for Liquor by the Drink," a pamphlet put out by Kansans for Modern Alcoholic Beverage Control, 1970.

<sup>19</sup>Ibid.

Kansas City, Kansas, and Wichita.

The United Dry Forces of Kansas, an organization getting its tradition from the early Anti-Saloon League founded in 1868, led those opposed to Liquor by the Drink. For this particular campaign, the dry forces, under the leadership of Rev. Roy S. Halloman, chose to call themselves Kansans for No Saloons. This title, according to Charles Wright of Wright and Associates, the public relations firm which handled the campaign for the drys, was chosen as a part of the strategy to do away with the negativism of the campaign. Rev. Richard Taylor, who replaced Rev. Halloman as Superintendent of the United Drys when failing health forced Halloman's retirement, campaigned and lobbied for the group. As in the past one of the strong supporters of the United Drys was the United Methodist Church. Also supporting the dry forces was the Kansas Council of Churches with its statement opposing liberation or relaxation of the state liquor control laws. Another active organization in the campaign was the W.C.T.U. However, due to a dwindling membership, their role was not as dramatic as that which they played in the 1948 campaign. This particular campaign also made for some strange bedfellows, as organizations as the V.F.W., American Legion, Moose Club and other such fraternal clubs came out against the amendment.

These were the major organized groups which chose to take a pro-con position on the amendment. In addition to these, there were undoubtedly numerous groups working at the local level and a number of groups which chose to remain neutral. It is interesting to note that one of those groups choosing not to take a definite stand on the

amendment was the Restaurant Association, which, according to many of the arguments offered in favor of the amendment, stood to profit greatly from its adoption.

### Spreading the Word

In support of their respective causes the wets and the dries alike made ample use of the various rhetorical devices available to them. As recent studies of campaign rhetoric have pointed out, the trend in the use of securing voter reaction is definitely away from the once standard appeal of long drawn-out orations and other public speaking devices. A look into the rhetoric of the 1970 campaign tends to verify this theory.

Probably the closest to the "old time" rhetorical approach made in this campaign was in the use of various debates in which representatives of the two sides presented their issues. Examples of such debates are: (1) a debate between Senator Norman Garr, advocate for the amendment, and William Plymat, chairman of the Board of Preferred Risks Insurance Company, Des Moines, Iowa, a strong dry supporter, who met in an open debate forum, sponsored by the Council of Ministries of the First Methodist Church in Topeka; (2) a debate which took place at Wichita State University between Mr. Hank Parkinson, public relations director for the wets, and Rev. Richard Taylor of the United Dry Forces; and (3) debates carried out in the legislature prior to the approval of the bill; however, as mentioned earlier, no record of these debates is available.

Much of the change in campaign rhetoric has come about with the

increased use of radio and television in political advertisement, where the cost factor prohibits the use of lengthy campaign speaking. Even though some use of television and radio was given to the debate format, as just discussed, the greatest emphasis in this media was the use of 30 second spots carried by the local networks at various times throughout the day to relay the message to the voter. Many of these spot advertisements had a strong emotional appeal. For example, the sound effects of an auto crash might be used, followed by, "Do you want to keep the drunk driver off the road? Vote No on Amendment #1." The fact that one side alone spent over \$9,000 on radio spots and over \$12,000 on T.V., amounting to over one-fourth of the total budget for the entire campaign proves the emphasis placed on this rhetorical device.

The press also played an active role in the promotion of the campaign. Although the editorial policy of the major papers in the state seemed to favor the amendment, many of the drys were able to get their message into print through replies to these editorials. The following excerpts show evidence of this type of rhetoric. These examples appear on the editorial pages of the Wichita Eagle and Beacon, October 16, 1970, and October 22, respectively.

#### Rational Liquor Vote Asked

To the Editor:

Few words polarize the thinking of some people faster than "alcohol." They have been conditioned since childhood to associate it with all the evils of the world.

This makes a rational discussion of any subject related to alcohol control impossible.



Take liquor-by-the ounce. No one is trying to build a case for anything socially redeeming about alcohol. We are trying to call public attention to a better way of controlling a situation that is with us and will never go away.

When some of your readers write letters condemning liquor-by-the-ounce, they do a disservice to those working for better alcohol control. Statistics from the 44 states benefiting from liquor-by-the-ounce conclusively prove there is no correlation between this method of control and alcoholism--nor is there any relationship between liquor-by-the-ounce and crime or auto accidents.

On the other hand, liquor-by-the-ounce has proved to be a valuable new tax source and a much better way of controlling consumption.

--Hank Parkinson

#### Reader Says Liquor-by-the-Ounce Is Not the Way for Kansas

How irrational can you get? A letter printed on your editorial page October 16 states that the polarized condition of some people "makes a rational discussion of any subject related to alcohol control impossible." Control is the key word here. That writer maintains that liquor-by-the-ounce is a better way of control. Iowa went that way on July 4, 1963. Prior to that date liquor was available in less than 200 state operated stores. In addition to their liquor stores, Iowa now has over 3,000 licensed liquor-by-the-ounce outlets. They had a per capita consumption increase of 49 percent in six years! Now the reason for that increase according to those supporting that same system in Kansas, is the increased convention business. For that increase to have come about because of convention and tourism, you would need one million persons visiting Iowa and staying an average of 365 days!

Page 2A of your same October 16 edition, in the far left hand column states that "a recent poll states that a college student's reason for using drugs was that the drugs were available. . . ." The article goes on to state that the federal agency attempts to prevent drug abuse by enforcement. "We arrest the pusher and stop the availability." Yet we intend to exercise better control over the drug, alcohol, by going to 3,000 liquor-by-the-ounce outlets in place of our present 650 private clubs. How irrational can you get?

--Richard Taylor, Wichita

Another facet of the role played by the press was in the opinion polls conducted by the various papers. The contradiction between the polls themselves and between the results of the polls and the final outcome of the vote shows these polls in retrospect to be of little validity. However, there is no way of measuring their influence at the time of the campaign.

Paid advertising was also a part of the contribution of the newspaper to the campaign, as illustrated by the following ads which appeared in newspapers throughout the state:

DENOUNCE  
LIQUOR BY THE  
OUNCE

6 BIG REASONS WHY . . .

More liquor will be sold  
More crime, welfare, traffic fatalities  
More taxes for you to pay  
Kansas is wet enough now  
Our present law is enforceable  
and is being enforced  
More liquor will not increase conventions, tourism.

Vote NO  
Amendment #1  
November 3rd

--Kansans for No Saloons

The Truth Test  
On Question One  
(The Liquor-by-the Ounce Amendment)

Answer TRUE or FALSE

1. Passage of Question One will produce big tax revenues.

True. If liquor dispensed by the ounce is taxed at the rate of 15 per cent, as is done in Iowa and other states, it will produce

more than \$5 million in new tax revenues. And sales tax revenue from increased convention and tourist trade could add another \$15-\$20 million.

2. Passage of Question One will not cause an increase in consumption of alcohol.

True. The Tennessee Alcoholic Beverage Study Commission says "the fact that liquor is available by law has no appreciable effect on per capita consumption."

3. Passage of Question One will lead to better beverage control.

True. Current private club laws in Kansas are unenforceable. Passage of liquor-by-the-ounce legislation will lead to tighter legislation. U.S. Senator Harold Hughes said of Iowa's law: "I am now convinced that not only is law enforcement more effective . . . but that the state is dryer than it has ever been before."

4. Automobile safety in Kansas will not be impaired by legalization of liquor-by-the-ounce.

True. The Tennessee Alcoholic Beverage Study Commission concluded that the sale of liquor-by-the-ounce would take the bottle out of the automobile and reduce the accident rate on streets and highways.

VOTE YES on QUESTION ONE . . . whether you drink or not. Make it possible for the Legislature to write a progressive liquor law.

--Kansans for Modern Alcoholic Beverage Control, Inc.

Even though the wets probably received better and more favorable coverage in the daily papers, the drys reached many of their supporters through The Kansas Issue, a bi-monthly publication, sponsored by The

United Drys. This, needless to say, presented its own biased interpretation of the campaign. The drys also made good use of the various churches supporting their cause. Much of the campaign rhetoric against the amendment was channeled through the pulpit or in the form of bulletins and newsletters of various churches throughout the state. Just as helpful to the wets as religious organizations were to the drys for the distribution of pamphlets and other information supporting the cause were the motels and hotels scattered throughout the state.

Some examples of other rhetorical devices employed in the campaign were the use of over 250 bill boards across the state, sponsored by Kansans for No Saloons, proclaiming "Denounce Liquor-by-the-Ounce, Vote No Amendment #1, November 3rd"; the distribution of bumper stickers appealing for a yes or no vote; personal contact made through telephone appeals; and the appeal made by church youth groups such as the Haysville United Youth Fellowship, who parked a wrecked car in front of the church with a sign reading, "Vote No on Amendment #1."

These examples give a sampling of the variety of rhetorical appeals instigated by both those in favor of and those against the Liquor-by-the-Drink Amendment. Just as varied as the methods employed to carry their arguments to the people were the arguments themselves.

### Brainstorming the Issues

It would seem an almost impossible task to go into great detail on all of the arguments presented by both sides in this campaign.

Therefore, it will be the purpose of the concluding remarks made in the chapter pertaining to those arguments merely to serve as a springboard into Chapter III. A multiplicity of "sins" were covered in the arguments for and against adoption of liquor by the drink, many of which seem to be highly contradictory. In brainstorming the many arguments used, the following issues seem to be most predominate:

For the Drys:

1. More liquor will be sold resulting in greater consumption.
2. The crime rate will increase.
3. Dependence on welfare support will increase.
4. Traffic fatalities will increase.
5. Taxes will increase.
6. Kansas already has liquor by the drink and is wet enough as it is.
7. Our present law is enforceable . . . and is being enforced.
8. More lenient liquor laws will not increase conventions and tourism appreciably.
9. In comparison with other states, Kansas is better off without the open saloon.
10. Liquor consumption is morally wrong.
11. Liquor by the drink would increase availability.
12. Only those who stand to profit financially are in favor of liquor by the drink.
13. Alcohol is a drug and should be treated as such.
14. It is hypocritical not to treat alcohol as other drugs are treated.
15. Liquor by the drink will result in increased absenteeism from the job.

16. The wets wrote the present law; what makes them think they can do better a second time.
17. Liquor by the drink is bad for all businesses except those dealing directly in its sale.
18. Alcoholism will increase.

For the Wets:

1. Greater tax revenues would be realized from a liquor tax.
2. It would decrease consumption of alcohol.
3. It would lead to better control.
4. Automobile safety will not be impaired by legalization.
5. It will cut down on alcoholism.
6. The present laws are discriminatory.
7. In comparison with other states, it is advantageous to have liquor by the drink.
8. Present laws are hypocritical.
9. It is not a matter to appear in the constitution of a state.
10. People have a right to vote on the question.
11. Kansas laws are archaic.
12. It will bring more business to the state.
13. It will increase tourism and conventions.
14. Traffic fatalities are higher in dry states than in wet states.
15. Taxes will be reduced.
16. The legislature would be allowed to control traffic.
17. Present laws are difficult to enforce.
18. The liquor problem consumes too much of the time of the legislature.
19. You can't legislate morality.

20. We already have liquor by the ounce.

21. It would decrease availability.

In the following chapter several of what might be considered the major issues in the campaign will be chosen for greater indepth study.

## CHAPTER III

### RHETORIC OF THE CAMPAIGN

This chapter deals with the rhetoric of the Liquor by the Drink Campaign in terms of the arguments used in securing adoption of Amendment #1. In the campaign, the wets supported the proposition that the phrase, "The open saloon shall be and is hereby forever prohibited," be stricken from the state constitution; whereas, the drys defended the present wording.

In addition, this chapter seeks to identify the major issues for both the wets and the drys and to present the defenses offered by each in support of its respective position. These attempts at proof range from the logical, consisting of evidence and reasoning, to the emotional; both appeals attempted to secure the voters' decision. The final chapter deals with the role of personal proof in the campaign. Five major arguments for each side will be discussed. These particular arguments have been chosen because they represent the significant flavor of the campaign as a whole. The criteria for determining which major issues to consider was threefold: (1) frequency of usage in the context of the campaign, (2) study compiled by the Alcohol Problems Committee of the Central Kansas Conference Commission of Christian Social Concerns, and (3) consideration of whether or not the issue was used primarily as an offense or as a defense, since many defensive issues become counter arguments.

Bearing this in mind, the major issues for the wets were:



1. Citizens of Kansas would realize a greater tax revenue from liquor by the drink, and thus reduce the present tax load.
2. Liquor by the drink would bring increased tourism and conventions to Kansas. This would result in greater economic growth for the state.
3. Liquor by the drink would lead to moderation and thus to decreased consumption.
4. The present liquor laws of Kansas are not only archaic and discriminatory, but are also hypocritical and difficult to enforce.
5. Laws pertaining to the legislation of morality do not belong in the constitution.

For the drys the major areas of contention were:

1. Liquor by the drink will result in greater consumption and an increase in the problems that accompany that consumption.
2. Liquor by the drink will lead to an increase in the number of automobile accidents.
3. Liquor by the drink will lead to an increase in crime.
4. Liquor by the drink would result in an economic drain on the community.
5. Alcohol is a drug and should be treated as such.

#### Wet Arguments

Since the wets proposed a change, consider first their major arguments with the counter-arguments of the drys following each contention.

#### Tax Issue--Wets

Probably the most widely used argument was that liquor by the

drink would result in greater tax revenue for the citizens of Kansas, thereby, reducing their present tax load. To support this argument, Mr. Hank Parkinson, campaign co-ordinator the the KMAC, commented:

If the liquor by the ounce that is now being dispensed were taxed at the rate of 15%, as it is in many states, it would raise more than \$5 million in new taxes yearly. Add to that figure the sales tax collections from purchases made by increased convention delegates and tourists, and liquor by the ounce would represent a new source projected as high as \$20 million. Certainly this would do much to relieve the ever-growing pressures on our burdensome personal property tax levies.<sup>1</sup>

Since tourism and conventions will be covered later, consider here only the \$5 million brought in by the direct dispensing of liquor by the drink. How did the wets arrive at this figure? They based it upon statistics from the state of Iowa, a state quite similar to Kansas. After adopting liquor by the drink in 1963, Iowa, by 1967, had collected \$5.2 million in additional taxes and had returned these taxes to the local governments. Another example of this argument appeared in an editorial:

At present Kansas realized very little revenue from liquor that is sold by the drinks in clubs. Estimates by partisans are unreliable and it's hard to say just how much would be raised if the amendment passes, and the legislature permits sale by the drink in public places, but one thing is certain, it would be substantially higher than it is now. And in times like these, the state needs all of the revenue it can get--particularly the revenue that is raised from the relatively painless 'sin taxes' such as this.<sup>2</sup>

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<sup>1</sup>Hank Parkinson, "The Case For . . .," published by Kansans for Modern Alcohol Beverage Control, p. 1.

<sup>2</sup>"Amendment No. 1 Merits a Yes Vote." Editorial, Wichita Eagle and Beacon, October 14, 1970, p. 4A.

A reply to an opinion survey appearing in the Wichita Beacon offers proof of the effectiveness of this type of argument. For example, one of the interviewees in reply to the question of liquor by the drink replied, "People will drink anyway so why not legalize it. We take some of the money that we acquire from liquor by the drink and use it to help our schools out."

To cinch the matter of tax relief, the KMAC, in a pamphlet entitled, "Why a Referendum for Liquor by the Drink," claimed that, "Since all sales of liquor were legalized in Iowa, liquor has produced a staggering \$41 million for state and local government. This has helped to pay for schools, hospitals, law enforcement, sanitation, police, fire, and other services needed at the local level." To many people the argument of greater tax revenue was in itself appealing enough to merit a "yes" vote; however, the fact that the drys were not swayed by the rhetoric becomes evident in their refutation to the tax issue.

Tax Issue: Drys

The drys attacked the tax revenue with three arguments: (1) That the increased revenue from liquor by the drink would not be what it seemed; (2) That the increase in taxes on the taxpayer to counteract the problems caused by increased consumption would far outweigh the benefits, and (3) That this tax revenue would be raised by taking away from other consumer products.

The editor of one small Kansas newspaper, The Plainville Times, went to great length in the October 29, 1970, edition to point up that

he considered the \$5.2 million increase that the wets argued liquor by the drink would produce to be a fallacy.

Those promoting liquor-by-the-drink tell us that the state of Kansas will immediately realize some \$5.2 millions in new taxes. When asked how they arrive at such an amount, they say that in Iowa those who purchase liquor for resale by the drink pay a tax of 15% on such purchases at the liquor store, and they assume such may be the case in Kansas. Let us assume that liquor by the ounce amendment passes in Kansas, and let us assume the Kansas legislature passes a law similar to the law in Iowa, and let us perform some simple arithmetic. With a new 15% tax on liquor purchased for later resale by the drink, some 35 million dollars worth of such liquor would need to be purchased to produce the 5.25 million dollars in new taxes. Since they base this on the experience of Iowa, we must continue to base figures on what is taking place in Iowa. For the 1969 fiscal year, those establishments in Iowa with liquor by the ounce licenses purchased just under 20 million dollars worth of liquor at the state operated liquor stores which they later sold for just under 70 million dollars by the ounce. This means that in Kansas the 35 million dollars worth of liquor to be sold later by the ounce will sell for some 123 million dollars if the same mark-up is used as in Iowa. Now this 123 million dollars would have been spent by Kansans on other goods and services and taxed with the usual 3% sales tax. In Iowa they once had a 10% sales tax on liquor by the ounce which they removed when the 15% was placed on bottle sales for later resale. Assuming the same procedure is used in Kansas and no sales tax is collected on liquor by the ounce, the state would lose 3.69 millions of dollars in sales tax on the 123 million spent on liquor by the ounce. Assuming again we will do what Iowa is doing, the 15% on bottle sales for later resale is in place of their making normal sales tax of 3%. In Kansas those who are making such a liquor by the ounce purchase at liquor stores pay a 4% endorsement tax, and if we copy Iowa again, we will lose this 4% on \$35 million dollars paid for liquor by the bottle for later resale. This amounts to \$1.4 million dollars. The total dollars we lose in taxes is \$3.69 million plus \$1.4 million or \$5.09 million in order to gain the new \$5.25 million.

The drys' second argument in reference to the wets' proposed revenue increase is exemplified by the following statistic taken from "Facts for the Campaign" in the Kansas Issue for July-August: "Every

study that has ever been made shows that for every \$1.00 of liquor revenue collected, it costs the state from \$6.00 to \$12.00 to clean up the mess made by liquor in increased hospital costs, jail and penitentiary costs, relief costs, all the result of liquor."

The third major argument against the tax revenue increase was that in reality this revenue would result in a decrease in the use of other consumer items. This argument will be considered more fully later in the study of major dry issues.

Many of the arguments against the issue of tax revenue were based upon the contention that many of the same promises made in connection with increased revenue in the 1948 contest for repeal were never realized. A quote from Richard Taylor, Superintendent of the United Dry Forces, best summarizes the arguments of the dries against the tax revenue issue. In an interview, Mr. Taylor stated: "Liquor revenue is one of the most deceptive things in the world."

#### Economic Growth--Wets

The second major issue for the proponents of Amendment #1 was that liquor by the drink would bring more tourists and also more convention trade to Kansas, resulting in greater economic gains for the state. The wets contended that a great many people, whether planning a vacation or a site for a convention, purposely by-pass Kansas because of her liquor restrictions. Thus, loss of tourist and convention trade cost the state a new tax source, projected as high as \$20 million. In addition to this, the KMAC stated, "restaurants will be upgraded, a boom will come in motel and hotel construction as well

as recreation and resort areas."

Great emphasis was put on attracting more conventions to the state. Because of her strategic location, Kansas would make an ideal convention state if liquor by the drink were legalized. Using the U.S. Chamber of Commerce Tourism Board estimates that each convention member spends an average of \$34 daily, and applying the rule of thumb that a dollar turns seven times, this alone would represent \$238 a day from each conventioner who visits this state.

For proof that our present liquor laws were putting a damper on the convention business, the wets quoted Jim Clancey, director of community facilities in Wichita:

The nation's five or six bottle states have been black-balled by some national conventions. A number of organizations are reluctant to book conventions in Century II because they feel the lack of liquor by the drink here puts conventioners on a second-rate status.<sup>3</sup>

In further support of this, the KMAC used the example of Kansas City, Missouri, which builds more income from conventions than does the entire state of Kansas.

One final argument for liquor by the drink was that it would bring a new industry to Kansas, and as a result, Kansas would develop a better economy. Here again the wets used as an example the state of Iowa. In their pamphlet, "How Much Is It Worth to You?" the KMAC pointed out, "There are 9,818 separate business establishments involved in the production, wholesaling and retailing of liquor in Iowa. These establishments employ 25,831 persons and create an important 67.5

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<sup>3</sup>Parkinson, p. 1.

million dollar industry in the state."

The drys again attempted to destroy these arguments by introducing the following counter-arguments:

Economic Growth--Drys

The drys attacked in various ways what they termed the myth of liquor by the drink attracting more tourists and more conventions to Kansas. They reduced the argument on additional tourism to "reductio ad absurdum" by stating:

According to the proponents of the open saloon, the entire population of the United States is hanging around the borders of Kansas just waiting for the day when open saloons will be made legal. On that day they will all charge in with a rush that would make the famous Cherokee Strip Rush into Oklahoma look like nothing. Of course the liquor in Kansas will be so much better that they will leave the liquor in Nebraska, Missouri, Colorado, and all other states and rush into Kansas for their drinks.<sup>4</sup>

The drys closed their attack on increased tourism with a somewhat more concrete piece of evidence by quoting from the Director of Tourism and Travel of Iowa: "We have no studies to show that liquor by the drink has enhanced our Iowa tourism business, and it has never been one of our sales points."

Replying to the argument of increased conventions, the drys again used Iowa as an example, which, according to the article, "Facts for the Campaign," showed that there was no difference in the number of conventions that came to Iowa after they legalized the open saloons.

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<sup>4</sup>"Facts for the Campaign," The Kansas Issue, July-August, 1970, p. 5.

Additionally the drys pointed out that the criteria for choosing a convention site are the hotel rooms available, the convention hall and its facilities. Dallas, Texas, which at that time did not have liquor by the drink, was the third largest convention city in America. In refuting the argument that Kansas City, Missouri, does more convention trade than the entire state of Kansas, dry proponents pointed to population as the main factor and not to the presence of liquor by the drink. Senator Lester Arvin of Wichita observed that persons who choose convention sites are not looking for locations that offer a lot of recreation. In their conclusion, the United Dry Forces summarized this issue: "Experience will show that Kansas will have no more conventions than she has now, but will have all of the additional woes that the open saloon will bring."

In reference to the business boom, the wets predicted would come about because of liquor by the drink, the following statement best portrays the attitude of the drys:

Bars are bad for business. There are, of course, exceptions to the general rule. Bars are good for the profit of those who operate them. They also provide some additional revenue for hotels and motels who operate them. A car that is wrecked through a drinking accident makes business for the repair shop, but an increase in these kinds of losses winds up in increased insurance premium charges for all motorists. It may mean business for hospitals and some doctors, but this in turn may mean increased health insurance premiums.

In the end nobody really profits from accidents, injuries, and illnesses that come out of increased consumption. In the end the real loss winds up on the backs of all the people, and the businessmen get their share by the tax load they have to carry.

There is one other group that will surely profit from liquor by the drink. These are the firms that make the



liquor. If liquor by the drink decreased consumption, they would be against it. But they are for it.<sup>5</sup>

### Moderation--Wets

In this third major issue that liquor by the drink leads to moderation and a decrease in individual consumption, the wets employed the strategy of a good offense making for a strong defense. Anticipating that a part of any dry platform would attack the increased consumption which liquor by the drink would bring the wets came out with their argument that not only would liquor by the drink not result in increased individual consumption, but it would to the contrary produce moderation. A number of pamphlets supported this theory. One particular pamphlet added:

Virtually every state that has legalized liquor by the ounce has had a corresponding drop in liquor consumption. In some states, such as Oregon, Washington, Idaho, and Georgia, where the people demanded enlightened laws, results have shown that when a consumer doesn't have to buy a whole bottle to have a drink, and when drinking is no longer hypocritically condoned behind unenforceable laws, moderation is the result.

The wets further substantiate this argument in the same publication by pointing to the example of other states:

Oregon and Washington took 17 and 13 years respectively for liquor consumption to return to the previous level, and Idaho, 23 years after liquor by the ounce was approved, still is below the previous level of consumption.<sup>6</sup>

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<sup>5</sup>William N. Plymat, "Bars Are Bad for Business," Preferred Risk Mutual Insurance Company of Des Moines, 1970, p. 13.

<sup>6</sup>"Why Should I Vote Yes on Liquor by the Ounce in Kansas," published by Kansans for Modern Alcohol Beverage Control, 1970.

In conclusion the KMAC argued, "Statistics that are available by the beverage institute and the United States government show that liquor by the drink tends toward moderation. It is true that more people consume liquor today, but more people consume it in moderation than when it is available only in package stores."

#### Moderation--Drys

To attack the argument that liquor by the drink resulted in moderation and decreased individual consumption, the drys first of all challenged the use of the states of Washington, Oregon and Idaho, arguing that these states adopted liquor by the drink right after World War II when the nation, as a whole, showed a decline in per capita consumption as compared to the war years when liquor consumption was at an all time high. For an example, the drys used the state of Iowa, which, prior to adopting liquor by the drink, had a gallon per capita consumption of .74 as compared to Kansas with a .91 gallon per capita consumption. Six years later, after liquor by the drink came to Iowa, that state had a 1.09 per capita consumption compared to a 1.03 in Kansas, showing Iowa with an increased rate of four times that of Kansas with no saloons. In comparison with her neighboring wet states, Kansas had a 1.04 gallon per capita consumption while that of Colorado was 2.01; Missouri, 1.66; and Nebraska, 1.60. Of all the states which had the open saloon, the per capita consumption was 1.77 as compared to 1.34 for states which did not sell liquor by the drink.<sup>7</sup>

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<sup>7</sup>Statistics taken from "Facts for the Campaign."

In light of the preceding arguments, an interesting study conducted by the Alcohol Problems Committee of the Central Kansas Conference Commission of Christian Social Concerns concluded that, "Statistics indicate that while there may be no appreciable rise in the liquor consumption upon the legalization of the sale of liquor by the drink; nevertheless, liquor consumption does not decrease. This would seem to indicate that more liquor becomes available to all strata of persons."

#### Liquor Laws--Wets

The wets' fourth major contention was centered around the liquor laws in the state of Kansas. The wets argued that these laws were not only archaic and discriminatory, but were also hypocritical and difficult to enforce. The first part of this argument, that the present liquor laws were out-dated, was a strong selling point for the legislature. A majority of legislators agreed that the people should have a chance to update these laws because of the influx of new voters who had come of age since the repeal in 1948. Wets and dries alike seemed to agree on this particular point, for dries in the legislature voted to present the Amendment to the people on the strength of this argument, that existing laws were "behind the times"; the wets pointed to the 44 states in the United States which had liquor by the drink;<sup>8</sup> whereas, Kansas was one of six states without it, and asked, "Who is out of step?"

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<sup>8</sup>Texas, in the 1970 election year, voted liquor by the drink, leaving the remaining number of states without it at five.

Why are Kansas laws so archaic? First, the present laws were discriminatory because only those citizens belonging to private clubs could purchase liquor by the drink. Second, Kansas laws were hypocritical in that liquor by the drink already existed through the more than 700 clubs in Kansas; as a part of this argument, the wets declared that it was hypocritical not to admit that Kansas has liquor consumption. This state has always had liquor consumption and will probably continue to have it. The crux of the question then, according to Mr. Parkinson, was, "How to make something that is already here, and is not going to go away, better?" His simple solution was liquor-by-the-ounce!

The major reasons that existing laws were considered archaic was the difficulty of making and enforcing the law. First of all, the wets contended that the present law limited the ability of the legislature to control, regulate, or enforce existing laws because, according to Senator Norman Garr, the legislators' hands were tied by the "no saloons" provision in the amendment. Exceptions and loopholes make present laws meaningless, thereby promoting a lack of respect for all laws. The wets reinforced this argument by a quotation from an official of the state Alcoholic Beverage Control in their pamphlet, "Why Should I Vote 'Yes' on Liquor by the Ounce for Kansas?" stating: "When a law can be easily circumvented, people lose respect for it." In this same pamphlet, Walter E. Edelin, Chairman of the Iowa Liquor Control Commission, said, "I am confident that the increased respect for the law and for local enforcement officials is one of the greatest benefits we derived from legalization."

This area of enforcement was one of the main areas under attack by the drys.

#### Liquor Laws--Drys

The major dry contention was that the problem is not so much with the present liquor laws but instead with the failure to enforce those laws. The drys countered the wets' claim that existing laws are hypocritical and impossible to enforce with this statement:

The "wets" claim that our private club laws are hypocritical and impossible to enforce--that a good liquor by the ounce bill will restore respect for the law and reduce enforcement costs; however, the wets WROTE THE PRESENT LAW, so is there any reason to believe they could do any better in writing a liquor by the ounce law. How can they restore respect for the law and reduce enforcement costs when they have failed to do so now.<sup>9</sup>

In reply to the charges of hypocrisy, the drys admitted that the problem did exist; however, greater availability would just increase consumption, which in turn, would add to the problem. At the same time, the drys admitted that private clubs did sell liquor by the drink; however, they argued that 712 outlets in Kansas was much better than the 3,000 outlets which Iowa had. Thus, the argument continued.

#### Liquor Legislation--Wets

Even though the wets had a tendency to shy away from the standard argument that you can't legislate morality, there are two reasons for

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<sup>9</sup>"Beware of Liquor by the Ounce Propaganda," published by Kansas for No Saloons, 1970.

mentioning it here: (1) It was a strong argument in getting the bill passed in the senate, and (2) This argument seems to be based more upon logic than upon emotion as were many of the arguments of the campaign.

Passage of the liquor by the drink amendment by the Senate came about because the committee for revision suggested that a section in the state constitution dealing with liquor laws be revised. This committee, according to Senator Glee Smith, President Pro-tem of the Senate, believed that the constitution should serve merely as a framework of authority and should not be concerned with the details of enforcement. The committee's suggestion for an overall revision of the constitution placed the liquor by the drink amendment as the first of three amendments to be approved by the Senate and presented to the voters. Another argument for removing the liquor question from direct action by the legislature was that discussion of this issue resulted in so much emotionalism that the legislature lost valuable time while accomplishing little. The KMAC took up this cause with their plea: "We ask only to be unshackled from unworkable laws."

One final legislative appeal dealt with the right of others to make laws infringing upon the personal freedom of an individual, and thus the battle continued.

#### Liquor Legislation--Drys

The appeals dealing with personal freedoms were the easiest for the drys to counteract. For as they pointed out, personal freedoms are restricted every day in a number of ways; such as limiting speed

on the highways, restraining shoplifters, and restricting the destruction of another's property. The drys argued that taking liquor legislation out of the constitution was just another attempt to open the door wide to the liquor traffic. The drys also contended that you can, in effect, legislate morality in much the same ways that you legislate any crime--murder, arson, theft. They used as their strongest source for this argument, the biblical reference, "I am my brother's keeper."

The wets used a number of other arguments in the campaign, many of these will be discussed in refuting the major dry arguments; however, these five issues constitute the major points they used in the rhetoric of the campaign.

#### Dry Arguments

In determining the five major issues used by the drys in debating the liquor by the drink question, the guideline was a study compiled by the Alcohol Problems Committee of the Central Kansas Conference Commission of Christian Social Concerns of the Methodist Church. The reason for this choice was the correlation between what this document listed as the major areas of concern and the arguments used by the drys in the rhetoric of their campaign. Although many of these arguments may have been hinted at in refuting the major issues of the wets, they will now be developed in more detail. The first issue for discussion deals with increased consumption.

### Increased Consumption--Drys

The drys contended that liquor by the drink would result in greater consumption and an increase in the problems which accompany that consumption, such as, highway fatalities, crimes, alcoholism, absenteeism from the job, and increased numbers requiring welfare. The previous discussion, under "Moderation" covers this issue; however, the arguments used by the wets and by the drys can, surprisingly enough, best be summarized from the same source, the study document by the Alcohol Problems Committee, previously referred to. This document states, "It becomes quite apparent that those states selling alcohol by the drink do have a higher per capita consumption than those selling it only for off-premise consumption." At the same time, this article also states: "We have been able to find no statistics of how per capita consumption has changed as the result of any state legalizing of liquor by the drink; however, the number of automobile accidents has increased."

### Automobile Accidents--Drys

To support the theory that liquor by the drink would produce more highway accidents, the drys pointed to studies conducted by Preferred Risk Mutual Insurance Company of Des Moines, Iowa. Statistics from this company, show a significant increase in the number of automobile accidents in Iowa after the adoption of liquor by the drink. This study quotes the number of accidents in 1963, the year in which liquor by the drink was legalized at 581, as compared to the



1964 figure of 666. Those obviously drunk or drinking while driving for those years was reported to be 158 and 204 respectively. The pamphlet, "Why I will Vote 'No' on Liquor by the Ounce on November 3," gives support to the cause of the drys. This article quotes a responsible, high-ranking highway safety official, "A majority of our Kansas highway fatalities now are caused by drunken drivers. More liquor can only mean more danger and more death for those who drive on our highways." In refuting these arguments, the wets presented several statistics of their own; thus, once again the rhetoric of the issue seems not only confusing but also contradictory.

Strangely enough the wet proponents also quoted statistics from the state of Iowa showing a decrease in the number of arrests for driving while intoxicated. In 1963, according to this source, arrests for driving while intoxicated numbered 3,267 while in 1964, the number dropped to 3,108. The KMAC reports the number of driving while intoxicated offenses in Nashville fell 25% the first year after this state adopted liquor by the ounce. The wets' final argument concerned automobile accidents as they related to the sale of liquor by the drink. According to this information, traffic fatalities in states legalizing liquor by the drink were fewer per capita than states in which liquor by the drink was not legalized.

#### Crime--Drys

The study document from the Alcohol Problems Committee presents the argument that alcohol contributes directly to crime. They based their conclusions on a report by the Federal Bureau of Investigation,

stating the six largest individual categories of crime are drunkenness, disorderly conduct, larceny, driving while intoxicated, vagrancy, and assault other than aggravated. The study further states, "Each of these is recognized, frequently if not always, to be accompanied by the consumption of large amounts of alcohol." The commission supports this from a conclusion made by Rutgers University in connection with the F.B.I. The commission states, "Arrest records indicate that at least 60%, and perhaps more, of all arrests made are directly related to alcoholic beverages."

Bringing their argument to the local level, the drys quoted "A Respected Law Enforcement Official In A Big Kansas City," who stated, "With crime rising now in Kansas, more than half of our law enforcement effort is taken for handling problems caused by liquor. Liquor by the ounce will only mean more cost to the taxpayer, who pays our salaries, and much more money spent due to the increase in crime resulting from the use of more alcohol."

#### Crime--Wets

Again the counter argument finds an overlapping of sources from which the wets and the drys draw different conclusions. The wets state in their pamphlet, "Why a Referendum for Liquor by the Drink," that, "according to F.B.I. studies, the states that do not have liquor by the drink have more murders per capita than the most populous state that has legalized liquor by the drink; these states also have a larger number of rape cases. Statistics available from the F.B.I. and Rutgers University studies prove conclusively that absolutely

no correlation exists between liquor by the drink and crime."

The wets further argued that liquor by the drink would reduce drunkenness. Again they used Iowa as their example and maintained that the number of convictions for drunkenness in Iowa after adoption of liquor by the ounce dropped from 17,212 to 15,305. The drys counter-argued that states having liquor by the drink have a more lax attitude toward controlling liquor and related problems.

#### Economic Drain--Drys

The fourth contention for the drys dealing with the harms of increased consumption was that liquor by the drink would result in an economic drain on the community. This drain would come about in three different forms: (1) the increased cost of alcoholic beverages, (2) the money spent on liquor would normally be spent on consumer goods, and (3) the man hours lost due to increased absenteeism from the job.

In the first of these, the drys pointed out that the economic cost of liquor by the drink is much greater than if that same liquor were purchased by the bottle. An article substantiating this began:

The open saloon takes the little man, as he pays from five to eleven times as much for liquor by the drink as he would for the same amount by the bottle. In many business enterprises such unfair business practices would be severely regulated. One explanation for the rapid multiplication of outlets is the 50% to 80% profit in the business of selling liquor by the drink.<sup>10</sup>

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<sup>10</sup>"Facts for the Campaign."

A study conducted by Preferred Risk Mutual Insurance Company of Des Moines, Iowa, cited further proof of the increased profit. This insurance company presented statistics showing that the total amount of money spent on all liquor in Iowa jumped from \$44,598,253, the year before legalization of liquor by the drink to a total of \$75,813, 018 the first year of legalization. In reference to this increase, the drys argued:

Every dollar that is drained away into the coffers of the liquor sellers is a dollar lost for private business, and the dollars spent in bars yield no rewarding benefits to the buyer. But the things that are sold by other businessmen yield values that are lasting and important to the family welfare and bring no injury or tears to the buyers or their families.<sup>11</sup>

The third economic drain, that of man hours lost because of the excessive use of liquor, was not accompanied by statistics. The drys justify this in the following:

You do not have to have figures to know that when the consumption of liquor increases, then crime, traffic accidents, and all other things that follow the consumption of liquor will also increase.<sup>12</sup>

#### Economic Drain--Wets

The basic wet argument against these drains to the economy was, as pointed out in their contention dealing with economic growth, instead of draining the economy of the state, it would, in fact, boost

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<sup>11</sup>Plymat, p. 15.

<sup>12</sup>"Facts for the Campaign."

that economy by introducing new industry to the state as quoted by the KMAC "Nationwide studies prove that modern liquor control builds business in the state."

This brings about consideration of the final dry argument, which presents a somewhat different approach to the liquor question than just increased consumption and the related problems inherent therein. This new argument is more prohibitory in nature; nevertheless, it presents a modern version of the theme.

#### The Drug Alcohol--Drys

The final argument, and the argument which Charles Wright, public relations coordinator for the drys, quotes as being the strongest selling point for the drys was that alcohol is a drug and should be treated as such. According to the drys, this is really an adoption of the wets' strategy. The drys claim that the wets felt if they could keep people stirred up about the drug situation, they wouldn't be so concerned with the liquor issue. Therefore, the drys merely adopted the arguments of their opponents and said, "Yes, we agree, drugs are terrible; but the most commonly used drug of all is alcohol." Typical of arguments carrying this theme is an excerpt from an article appearing in the October 20, 1970, issue of the Rocky Mountain News: "Startling statistics for the day: there are now about 12,000,000 drug abusers doing their 'thing' in the country, and only one-third --3,000,000 are on LSD, heroin or speed. The rest are hooked on the other common drug: alcohol." Or as pointed out in the Kansas Issue, May-June, 1970, "The so-called Establishment is up-tight about drugs

these days, but they're thinking of drugs that are new in our culture--heroin, marijuana, LSD. They shouldn't forget about alcohol, because alcohol is the drug which should top the nation's most dangerous list."

Along this same line the drys pointed to the hypocrisy of adults in condemning youth for the use of marijuana and other drugs while the adults themselves indulge in alcohol consumption. They place legal restrictions on marijuana but attempt to remove all restrictions from alcohol.

One of the big arguments in connection with the drug alcohol was that because it is a drug, alcohol is addictive. As proof of this, the drys point to the more than 9 million adult Americans who are alcoholics. They then turn to the facts discovered in the study by Rutgers University, which showed a direct correlation between alcoholism and liquor by the drink. This study relates that states allowing the sale of liquor by the drink have a rate of 3,988 alcoholics per one million adults, and the states that prohibit the sale of liquor by the drink have a rate of 2,554 alcoholics per one million adults or a 36% higher ratio for states selling liquor by the drink.

These arguments were supported further by the use of the standard arguments that one out of ten persons who takes their first drink is a potential alcoholic, and that alcohol ranks fourth in the nation as a cause of death, outranked only by cancer, heart disease and mental illness.

The wets almost entirely ignored the theme of alcohol as a drug. Instead they chose only to attack this argument on the topic of increased alcoholism. In this the wets reverted to their basic premise that liquor by the drink leads to moderation, and by referring to the same Rutgers study as the drys came up with an entirely different conclusion: "There is no correlation between liquor by the drink and the increased rate of alcoholism." Thus, once again the rhetoric of the issue seems to contradict and confuse.

These then were the basic arguments by both sides--the wets and the drys--in the campaign of 1970. A part of the final chapter in this study will be devoted to a deeper analysis of these arguments with comment upon their content, and an evaluation of their effectiveness in this particular campaign.

## CHAPTER IV

### ANALYSIS AND CONCLUSION

#### Results of the 1970 Campaign

Although research studies are attempting to discover the best method of measuring the effectiveness of successful campaign rhetoric, it holds true for the 1970 liquor by the drink campaign, that the best measure of success or failure is reflected in the final outcome of the vote itself. This does not mean, however, that there is no correlation between the outcome and those factors which produced the end result. This will be pointed out later in the chapter.

Despite pre-election polls, which showed that the people of Kansas favored the passage of Amendment #1 by a wide margin, the outcome of the vote on liquor by the drink was a surprising one. After the votes from the larger precincts had been tallied, many wets went to bed on election night secure in the belief that victory was theirs and that they had brought liquor by the drink to Kansas; however, they arose the next morning to discover that when the final votes from the rural areas were tabulated the amendment had lost by a vote of 328,054 to 342,574, with only 12 counties voting in favor of the amendment and ninety-three counties voting against it.\* As in any contest, someone has to win and someone has to lose. The winner usually attributes his victory to the enlightenment of the voter, and the loser begins to search for possible reasons for his

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\*See Appendix.



defeat. This campaign proved no different. Just as the drys in the 1948 Repeal election blamed their defeat on the wording of the resolution, the wets in the 1970 campaign also had their scapegoats.

Chief among their complaints was the location of the question on the voting machines in the larger precincts. The wets argued that because the amendment was located above eye level, many persons who intended to vote on the amendment overlooked it. The drys countered this argument by saying if this was the case, overlooking the amendment would work the same for those wishing to vote against it. The drys also pointed out that fewer people voted for the secretary-of-state, at eye level, than voted for the amendment.

Other reasons offered by the wets for their loss included:

(1) 1970 was a comparatively light year for voter turn-out as opposed to a presidential election year; thus, if the amendment had been placed on the ballot at a time when the vote was heavy, the outcome would have been reversed; (2) the voter was apathetic due to the optimistic outlook painted by the pre-election polls, and (3) the miscalculation on the part of the wets in respect to their ability to get the question past the legislature on their initial thrust resulted in their being caught off guard by their own element of surprise. These and other possible factors contributing to the downfall of the wets in this campaign will be studied in more detail later in the chapter when the basic strategies of the campaign are considered. However before going into the contributing factors leading to the outcome of this campaign, it is interesting to note some of the similarities between this campaign and earlier campaigns dealing with liquor

legislation in Kansas.

### Parallels in History

It has often times been said that history repeats itself. The history of liquor legislation in Kansas is no exception to this general rule. One of the first parallels is that liquor legislation, just as it has since the organization of the territory later to become the state of Kansas, still plays an important role in the life of the Kansas legislature; whereas, it probably doesn't predominate the agenda as it once did, the fact remains that the liquor question still holds top priority.

A second parallel is that the 1970 legislature remained true to the tradition of its predecessors by passing the decision pertaining to any legislation on the liquor question on to the people rather than to shoulder the responsibility themselves.

Another parallel is that the question of prohibition has pretty much divided the state into two factions, East against West. The 1970 campaign was no exception with eleven of the twelve counties voting wet being located east of Highway 81, or as some of the wets termed the area, the "enlightened" region. The rural vote, predominately west of Highway 81, has maintained a tradition of voting dry. The one exception to this rule in the 1970 campaign was Ellis County, which made the twelfth of those counties voting wet.

Still further verification of this parallelism lies in the closeness of the election itself. Traditionally any vote dealing with

liquor legislation in Kansas has been a close contest. For example, in the 1880 election, the vote adopting state prohibition carried by a margin of 5%. Again in 1948, the people voted to repeal prohibition by 8%. The 1970 issue, in keeping with this tradition of the closely divided vote, maintained a margin of a little more than 2% and thus upheld the present restrictions on the liquor traffic.

One final parallel between the 1970 campaign and previous campaigns is the high degree of emotionalism involved. Down through the years, Kansans have adhered to their convictions, either wet or dry, with religious fervor. Even with the increased use of radio and television, there is little, if any, evidence that these modes of communication have had a great deal of influence in the polarization of the vote. In all probability then in the 1970 campaign, those who traditionally voted dry continued to do so and those who traditionally voted wet maintained their position with those persons voting for the first time reflecting the tradition in which they were reared. As a result both sides had a tendency to emphasize the emotionalism in the question rather than the logic of their arguments.

Nevertheless, since this is a rhetorical study, it becomes necessary to look at those particular arguments and to comment upon them in the context of the campaign and its eventual outcome.

#### The Analysis of the Campaign

In any discussion of the outcome of a campaign, three major areas need consideration: (1) the organizations involved, (2) the strategies used, and (3) the arguments presented. Each of these areas and the

influence they had upon the outcome of the 1970 campaign will be discussed separately.

As mentioned earlier in the study, the two major organizations involved in this particular campaign were the United Dry Forces representing the drys and the Kansans for Modern Alcoholic Beverage Control leading the wets. Because of the very nature of their organization, the wets were at a disadvantage. From the very beginning they had at least four distinct handicaps to overcome.

The first of these shows up in the histories of the organizations themselves. Whereas, the United Drys can boast of a tradition going back to the Anti-Saloon League, the KMAC, as an organization had existed only a few years. Therefore, the dry forces, being veterans, could rely upon past battle experiences, while many of the wets were involved in organized combat for the first time.

A second factor dealt with the loyalty of the troops. For the most part, those persons in favor of liquor control maintain a stronger dedication to their cause than do those who oppose them. Part of this comes from a split in the ranks of the wet forces. Some of the wets favor lifting all control on liquor traffic while others desire that present controls be maintained; and still a third group favor some degree of control. As a result, it was difficult for the wets to gain a total commitment in support of the campaign from all three camps.

Another factor for consideration is the financing of the organizations. Even though the drys claimed only to have spent between 65 to 70 thousand dollars as compared to the wet campaign figure of 78

thousand dollars, due largely to the strong backing of the churches in Kansas, who themselves carried much of the financial burden as well as the task of "spreading the word" through the rhetoric of the pulpit, the actual money at the disposal of the dry cause would be impossible to measure.

One final handicap which faced the wet organization is the component of personal proof. Most people, familiar with the scriptures, know that you are either on the side of good or on the side of evil. Because the churches so strongly supported the dry cause, many people felt that was the cause of good.

#### The Strategies of the Campaign

Equally important to the organizations in the outcome of the campaign were the strategies employed by those organizations. Three important areas evolve in which the strategy of the campaign proved vital: (1) getting the question past the legislature, (2) presenting the campaign itself, and (3) analyzing the final outcome.

The first concern of the wets was to get the question to the people. To do this, the wets employed a wise strategy in this area. They got the bill out of the Senate by coupling it with a bill for complete prohibition. An equally wise and successful strategy in the House was the argument of the wet forces that people had the right to vote on the amendment, especially since this issue hadn't been brought to a vote since 1948. However, the very success of their strategy in getting the amendment past the legislature may have been the flaw in the overall strategy which cost them the campaign. As mentioned in an

earlier discussion concerning reasons for the outcome, Parkinson and his forces had not expected such success on their initial thrust to get their amendment to the people. This mistake in strategy brought on the premature consideration of the amendment, not only catching the wet forces by surprise, but also bringing the amendment to a vote in a relatively light election year. The drys actually employed little change in strategy at this stage of the contest other than what they had used previously to maintain the status quo. In effect this might indicate that the drys failed in their original plan because of the success of the wets in bringing the question to a vote.

In the campaign itself, the strategies of both sides are found not only in the choice of those issues given greater emphasis in the campaign, but also in the manner of presentation of their respective cases. As mentioned earlier, the only true measure of the success of these strategies will appear in the final results of the campaign.

In choosing their issues for the campaign, the wets emphasized the economic aspect of the question. This strategy becomes apparent in their usage of arguments dealing with tax revenue and increased tourism as well as their contention that more conventions would be held in Kansas if the amendment passed. Needless to say, the idea of increased tax revenue accompanied by lower taxes carried a wide range of appeal. Increased tourism with more conventions also had a strong appeal but for a smaller number of people, mainly those who stood to profit from such an increase. Even though the tax issue carried with it strong overtones of emotionalism, the three remaining issues:

liquor by the drink would lead to moderation, the present liquor laws in Kansas are archaic, and to legislate morality proves basically ineffective, are strictly emotional appeals. One possible reason for employing this strategy was that this question is in itself a highly emotional one, and the only method of changing people's emotions is to offer an equally contrasting emotional appeal.

The anti-saloon forces used basically the same arguments that have been used for years. They were probably somewhat more successful than the wets in their appeal to the people. When one begins comparing whatever increase in tax revenue might be realized to such things as the economic drain on the community through the increase in alcohol related problems, the loss of consumer buying, along with the arguments of increased crime and increased number of automobile accidents, this presents a strong antidote to the tax argument. One of the wisest strategies used by the drys was that of tying the alcohol problem together with the more popular drug question of today.

Of equal importance in the strategy of selecting issues for the campaign was the method of presenting those issues to the public. In conducting interviews for this study, one of the strongest complaints heard on both sides interviewed was that the opponent had based his case upon nothing less than trickery and deceit. Here once again the importance of personal proof enters the issue, because if these charges are made from the pulpit, they are going to carry much more weight than if they came from the KMAC, or any such organization. Many of these charges came as a result of the questioning of evidence, and in many instances, the attacks became quite personal in nature.

Hank Parkinson commented, "I have never been involved in a campaign before where I was so personally under attack." As a result, this brought about a more personal commitment on the part of everyone involved in the campaign. This brings us to a consideration of the role of ethics involved in rhetoric.

As states in Ehninger and Brockriede, "an ethic of evidence and a rhetoric of evidence therefore coincide. If one seeks to write and speak persuasively, he should write and speak truthfully and give to each fact or value exactly the weight it deserves. Only when one is more concerned with truth than with victory are his chances for victory at their best. To be persuasive be truthful: be truthful to be persuasive."<sup>1</sup> Along the same line the authors point out "the strongest attack that can be made on an argument is to expose it as uncritical--to show it is based on a mutilated quotation, a faulty statistic, or the deliberate suppression of data. Such exposure immediately undermines confidence in the debater's integrity and hence not only destroys the argument in question but also casts suspicion on his entire case as well."<sup>2</sup> The drys used this particular strategy in their attack on the integrity of Hank Parkinson, spokesman for the wets. An analogy used by Mr. Parkinson in addressing a Kiwanis Club in Wichita provides an example of this type of attack. In the course of his presentation, Parkinson referred to an alledged incident involving the Braniff Airlines. He reported that upon landing

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<sup>1</sup>Douglas Ehninger and Wayne Brockriede, Decisions by Debate (New York: Dodd, Meade and Company, 1968), p. 21.

<sup>2</sup>Ibid.



in Wichita, the pilot announced their arrival over the intercom and then welcomed the passengers to Wichita, Kansas, the city 200 years behind the times in their liquor laws. When this analogy proved to be merely hearsay and could not be proved, Braniff demanded a written apology from Parkinson to go to each member who was present at the meeting. Parkinson complied with this request in order to avoid further legal action against either himself or his firm. The dregs alluded to this incident many times throughout the campaign in an attempt not only to destroy an argument of the opposition, but also to discredit the entire case of the wets.

However, evidences of slight breaches of ethics abound in much of the propaganda put out by both sides in the 1970 liquor by the drink campaign. In many cases the "evidence" presented was unsubstantiated, incomplete, or presented in such a way as to deceive the voter. The one exception to these charges, discovered while compiling material for this study, was that of the document compiled by the Alcohol Problems Committee of the Central Kansas Conference Commission of Christian Social Concerns of the Methodist Church. The following examples are cases in point:

For proof that the wets were guilty of many of these charges in the presentation of evidence supporting their issues, the reader will note that in the preceding chapter much of their evidence was accredited either to the KMAC or to Hank Parkinson, both biased sources. This in itself is not surprising; however, the wets' failure to validate their evidence by documenting their sources is a serious omission. Further proof of this can be found in the wets' failure to

show an adequate correlation between many of their arguments and the question at hand. For example, the wets pointed out that the per capita murder rate or the per capita automobile fatality rate was greater in some dry states than in some states having liquor by the drink, and yet these same sources never attempted to prove that the absence of liquor by the drink was responsible for the per capita increase.

The argument that Kansas City, Missouri, does more convention business than the entire state of Kansas both misleads and suppresses facts, for there is, in these statements, no allusion to population, location, or facilities.

Much of the evidence given by the wets which they attributed to other sources was poorly substantiated and often incomplete. For example, in one of their arguments supporting increased conventions, the wets offered as proof the following: "A Des Moines motel manager says, 'Conventions have increased.'" In another argument the wets attribute the following quote to a former director of the State Alcoholic Beverage Control: "Present laws tend to impede good law enforcement. . . . When a law can be easily circumvented, people lose respect for it." In the first place, it is difficult to know what laws the director is talking about, and in the second place, one wonders what goes in between the statements, or if they were even made in the same context. Again the wets' failure to document their sources makes this impossible to verify.

These are but a few examples of the credibility gap present in

the presentation of evidence by the wets in the campaign. As mentioned earlier, one of the chief strategies of the drys was to attack this evidence whenever possible. However, the drys themselves were not entirely innocent of many of the same charges they made with regard to the wets.

The drys' lack of substantiation for their support is quite apparent in one particular brochure they published which reads like a "guess who" column in its presentation of quotes from "A Top Executive for a Large Kansas Daily Newspaper," or "A Noted Member of the Kansas Legislature" throughout the entire pamphlet.

The drys also were guilty of over generalizations as in their reference to "every study ever made shows . . ." in place of one qualified study. Quite obviously they were eliminating those studies made by proponents of the issue. Along the same line, the drys' statement, "You don't have to have figures to know . . ." begs the question and the use of all capital letters in the heading, "A RESPECTED LAW ENFORCEMENT OFFICIAL IN A BIG KANSAS CITY: leads the reader, at least at first glance, to believe that the law enforcement officer was indeed from Kansas City.

In a few instances both wets and drys quoted the same source yet arrived at opposite conclusions. An example of this manifests itself in the argument correlating liquor by the drink and alcoholism. The wets quoted studies from Rutgers University as stating that there was no correlation between the two; whereas the drys quoted from the same study and arrived at just the opposite conclusion. The drys even

presented statistics from the study showing the percentage of increase in alcoholism in states having liquor by the drink. Here again, because the dries quoted statistics from a study made by the church, and since these statistics were footnoted and their source, Rutgers Study, p. 34, was given, the wets once again placed themselves in a bad light.

Of equal importance with the manner of presentation of the evidence was the mode of presentation. As mentioned earlier, both sides used a variety of communication channels throughout the campaign. Here once again, because of the nature of the question, the wets were often at a disadvantage.

In the debates over the issue of liquor by the drink, the affirmative often times had a difficult time defending their position not only because of the strong emotional appeal, basic reasoning, and personal attack of the negative, but also because, as one individual states: "What it all boils down to is I want it because I want it." The honesty of such an argument is commendable, but it won't win many debates.

In the use of the press, the wets were, once again, at a disadvantage. Even though the larger papers advocated liquor by the drink and thus, for the most part supported the wets, because of the lack of popularity of the question in the small rural communities, the papers supported by these areas took the side of the dries; therefore, it proved difficult for the wets to gain much support or leadership through the press itself or from citizens using this as a mode of expression.

The wets were also outdone by the drys in the area of radio and television advertising. Because of the nature of the subject, the drys were able to make a more dramatic appeal through the use of car wrecks, crying children, and other emotional appeals. The wets felt the futility of this type of advertising for their own campaign. Hank Parkinson illustrates this in his statement, "You learn as you go, and if the referendum ever comes to public attention again, I doubt that paid advertising will be a part of the strategy. This is the type of issue where emotions are polarized from the very beginning. You're either for or against the concept, and no amount of media advertising is going to change enough minds to really matter."

One important factor in the presentation of the campaign was the area of concentration of the campaign rhetoric. Although the wets seemingly felt they were consistent in presentation of their case to East and West alike, the very methods of communication employed in carrying that message to the voter may have proven a serious flaw in their strategy. For example, in the useage of television advertising they failed to realize that many of the rural communities in the western half of the state do not receive the major Kansas networks. Another example would be in the distribution of campaign literature. The wets depended mainly on motels and hotels for proliferation of their propaganda in the form of pamphlets. A serious oversight may have been in the failure to recognize that many small western towns do not have hotels or motels. A third example would be in the concentration of advertising being limited to the major newspapers in

the state, whereas many of the persons in the small rural areas are totally dependent upon the local newspapers. Proof of this flaw in strategy can be found in an article appearing shortly after the campaign in the Wichita Eagle-Beacon. The article is entitled "Drys Have Second Thoughts" and tells of an interview conducted with various anonymous persons in the southwestern community of Greensburg following the campaign. The article quotes many of those interviewed as saying they really didn't understand the issues of the campaign, and if they had it to do over, they would change their vote. The drys did not encounter this lack of consistency because of their useage of the organized churches throughout the state in carrying their campaign to the people.

The third phase in the use of strategies in a campaign deals with the final analysis. Because of the closeness of the outcome of the campaign, a mistake in strategy at this point may have been responsible for the final vote.

One reason given for the outcome of the campaign was the location of the amendment on the voting machines. Possibly the strategy at this stage of the campaign should have included some explanation to the voter regarding the placement of the amendment. The wets' strategy of using opinion polls could have been a deciding factor in the outcome of the contest. Since most of these polls showed the wets leading by a wide margin, many wets may have become apathetic and did not vote, feeling that their vote wasn't needed. At the same time, this could have had just the opposite effect on the drys and encouraged them to turn out in greater numbers. This, along with

the strategy used by the drys, in telephone campaigns reminding their supporters to go to the polls and vote, in addition to a careful explanation of the ballot to prevent what they felt caused their defeat in 1948, could well have been the strategy which brought them the victory in the campaign.

No study of liquor legislation in Kansas would be complete without some prediction of what the future holds in store concerning this issue. The immediate future, the time elapsing since the 1970 campaign has already seen an attempt by the wets to again bring the question of liquor by the drink before the people. This attempt met with an early defeat, for the issue lacked four votes of getting out of the Senate in the 1972 session. Even if a proposal would make it past the Senate in the next few years, it is doubtful that such an amendment would be approved by the House since, as was pointed out in the study, the main reason for passage in 1970 was to give the voters a chance to voice their wishes, since this issue had not appeared on a ballot since 1948.

The drys, quite encouraged by the 1970 victory, and more recently by the defeat of Sunday sale of beer, feel that the wets will work for a change in the present laws within the legislature itself.

Any such attempt by the wets to change existing liquor laws is bound to be met by strong opposition from the drys who only recently have received new strength by the appointment in 1971 of Richard Taylor as Superintendent of the United Dry Forces. Rev. Taylor, who was formerly the minister at the University Methodist Church in Wichita, has a strong appeal to the young as well as the older

generation of drys. One legislator recently complimented Taylor by saying that he was the most effective lobbyist that had been in Topeka for a long while. With Rev. Taylor at the head of the dry forces, the wets are faced with perhaps an even greater challenge in the struggle to achieve more lenient liquor legislation in Kansas.

Before concluding, some general comments about the study as a whole might be in order. Some of the difficulties encountered in conducting the study included: (1) A reluctance on the part of the wets to contribute material pertaining to the campaign. (More pro-wet material was gained from the drys than from the wets themselves.) (2) An effective scale whereby to measure voter response to the rhetoric of the campaign, and (3) The maintaining of an objective viewpoint on the part of the author in an attempt to present a non-partisan study. In consideration of the positive side and looking at the benefits derived from the study, the last difficulty mentioned might, in retrospect, be considered one of the major achievements of the study. The discipline of having to stop and look at both sides of an argument cannot help but create a more objective viewpoint of the issue involved. Another benefit derived from the study was the opportunity that the study afforded the writer to make personal contacts with those involved in the campaign. One final benefit was the insight gained into the workings of the campaign and all that is involved in seeking the final decision of the voter.



### Conclusion

At the beginning of this study, the question was asked, "What appeal was made through the rhetoric of the campaign which allowed Kansas to maintain her tradition by voting down the 'Liquor by the Drink' Amendment?" In response to the question, this author concludes that the outcome of this election was attributed not so much to the particular rhetoric of the campaign but rather more specifically to the inertia of the tradition instilled in the voters of Kansas through their history of anti-liquor legislation. However, because many of the factors which allowed Kansas to maintain her tradition are closely aligned with effective rhetoric, the rhetoric of the campaign cannot be divorced either from the campaign itself or from the outcome of the campaign.

Thus, in conclusion, this study not only bridges the gap in the history of liquor legislation in Kansas from the Repeal of 1948 up to and including the 1970 Liquor by the Drink Campaign but also offers greater insights into the specific arguments and their presentation in terms of the rhetoric of that campaign.

## APPENDIX

## VOTES CAST BY COUNTIES, KANSAS GENERAL ELECTION

November 3, 1970

For Constitutional Amendment for Liquor by the Drink\*

	For	Against		For	Against
Allen	1645	3070	Jackson	1384	2673
Anderson	1145	1864	Jefferson	1895	2581
Atchison	3480	2419	Jewell	765	1835
Barber	974	1775	Johnson	44840	15000
Barton	4624	5424	Kearny	350	610
Bourbon	1862	4051	Kingman	1252	2141
Brown	1658	3115	Kiowa	422	1333
Butler	5608	7962	Labette	3206	5408
Chase	441	960	Lane	370	768
Chautauqua	430	1186	Leavenworth	8460	3223
Cherokee	2900	3841	Lincoln	775	1197
Clark	360	962	Linn	987	1769
Clay	1106	3154	Logan	587	971
Cloud	1543	3207	Lyon	4298	5622
Coffey	795	2246	Marion	1543	3780
Comanche	319	833	Marshall	2029	3467
Cowley	4221	8566	McPherson	2761	6053
Crawford	6803	5241	Meade	526	1133
Decatur	773	1212	Miami	2910	3125
Dickinson	2786	4646	Mitchell	1397	2248
Doniphan	1225	1482	Montgomery	4506	8620
Douglas	10190	7148	Morris	796	2068
Edwards	805	1272	Morton	417	707
Elk	559	1337	Nemaha	1803	2843
Ellis	4627	2578	Neosho	2373	3490
Ellsworth	1200	1541	Ness	629	1355
Finney	2278	3151	Norton	920	2069
Ford	3198	3994	Osage	1941	3109
Franklin	2638	4160	Osborne	717	1956
Geary	2930	2208	Ottawa	746	1619
Gove	497	1043	Pawnee	1289	1974
Graham	649	1135	Phillips	1205	2032
Grant	598	1045	Pottawatomie	1920	2591
Gray	596	999	Pratt	1298	2677
Greeley	285	461	Rawlins	766	992
Greenwood	1553	2326	Reno	8136	11698
Hamilton	463	779	Republic	1220	2432
Harper	844	2149	Rice	1575	3248
Harvey	3815	6108	Riley	5948	5819
Haskell	435	789	Rooks	1171	1916
Hodgeman	384	819	Rush	778	1328

## VOTES CAST BY COUNTIES, KANSAS GENERAL ELECTION, CONT.

	For	Against		For	Against
Russell	1776	2038	Sumner	3149	5386
Saline	7994	6863	Thomas	1109	1729
Scott	489	1290	Trego	768	1027
Sedgwick	49667	33100	Wabaunsee	1051	1721
Seward	1582	2413	Wallace	298	611
Shawnee	30499	22282	Washington	1226	2287
Sheridan	593	937	Wichita	376	615
Sherman	1188	1480	Wilson	1338	2575
Smith	917	2018	Woodson	677	1197
Stafford	782	2100	Wyandotte	24079	10171
			TOTALS	335094	346423

\*Taken from Kansas Issue, Vol. 19, No. 6, November-December, 1970.

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